

APPROVED  
11-2006

Rockville, Maryland  
April 20, 2006

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, April 20, 2006, at 10:00 a.m.

Present: Dr. Charles Haughey, President  
in the Chair  
Mr. Steve Abrams  
Ms. Sharon W. Cox  
Ms. Valerie Ervin  
Mrs. Nancy Navarro  
Mrs. Patricia O'Neill  
Mr. Gabriel Romero  
Mr. Sebastian Johnson, Student Board Member  
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 195-06Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, 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 closed sessions on April 20, 2006, in Room 120 from 8:30 to 10:00 a.m. and 12:30 to 1:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County

1. Discuss the Human Resources Monthly Report and Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*
2. Conduct a portion of its closed sessions to discuss collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*
3. 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 sessions on April 20, 2006, 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 the meeting continue in closed session until the completion of business.

\*\*Mrs. O'Neill was temporarily absent from the meeting.

**RESOLUTION NO. 196-06Re: APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for April 20, 2006.

**RESOLUTION NO. 197-06Re: SECRETARIES WEEK**

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

WHEREAS, Secretaries Week will be celebrated nationally the week of April 23, 2006; and

WHEREAS, The Board of Education wishes to publicly recognize the competence and dedication of its staff of secretarial and clerical employees and express its appreciation for their efforts in the effective, courteous, and efficient operation of the Montgomery County Public Schools; and

WHEREAS, The Board of Education thanks its secretarial and clerical staff for their contributions to excellence in education; now therefore be it

Resolved, That Secretaries Week be observed by the school system during the week of April 23, 2006; and be it further

Resolved, That Wednesday, April 26, 2006, be designated as Secretaries Day for the Montgomery County Public Schools.

**RESOLUTION NO. 198-06Re: NATIONAL VOLUNTEER WEEK**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by

Mrs. Navarro, the following resolution was adopted unanimously by members present:

WHEREAS, A goal of *Our Call to Action: Pursuit of Excellence* is to secure the commitment of the entire community to maintain high-quality education in Montgomery County by building and fostering partnerships among families, communities, businesses, and staff that promote and support initiatives to help all children succeed; and

WHEREAS, This year's theme, "Inspire by Example," affirms the commitment volunteers make on behalf of children; and

WHEREAS, Every school in Montgomery County relies on volunteers who work together to enhance the instructional program and provide opportunities for students' success; and

WHEREAS, Volunteers, who donate time and energy in our communities, are one of the most valuable resources; and

WHEREAS, During the last school year, 36,830 volunteers gave more than 3.4 million hours of service to staff and students and provided the equivalent hours of 1,593 full-time, 12-month employees; and

WHEREAS, The dollar value attached to the hours of service that volunteers provided exceeds \$51.4 million; and

WHEREAS, Schools, parents, community organizations, and other stakeholder members orchestrate a concerted effort for children's learning; now therefore be it Resolved, That the Montgomery County Board of Education applaud the untold efforts of all volunteers and volunteer coordinators for their talents and enthusiasm and exceptional contributions to the Montgomery County Public Schools community, and be it further

Resolved, That National Volunteer Week be observed by the Montgomery County Public Schools during the week of April 23-29, 2006.

\*\*Mrs. O'Neill joined the meeting.

**RESOLUTION NO. 199-06Re: ASIAN PACIFIC AMERICAN HERITAGE MONTH**

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

WHEREAS, The United States Congress passed a resolution proclaiming the month of May as Asian Pacific American Heritage Month; and

WHEREAS, The Asian Pacific American Heritage Council has selected the theme, "*Freedom for All—A Nation We Call Our Own*," to commemorate Asian Pacific American

Heritage Month in 2006; and

WHEREAS, Montgomery County recognizes and celebrates the rich heritage of Asian Pacific American accomplishments and contributions in our county and state that have been an inspiration to families, communities, and the country; and

WHEREAS, The Montgomery County Public Schools is committed to providing learning and working environments that encourage the pursuit of academic and career opportunities for all Asian Pacific Americans; now therefore be it

Resolved, That, on behalf of the superintendent, staff, students, and parents of the Montgomery County Public Schools, the members of the Board of Education hereby declare May 2006 to be observed as "Asian Pacific American Heritage Month," and be it further

Resolved, That the Montgomery County Board of Education and the superintendent of schools recognize and honor our Asian Pacific American students, staff, businesses, and community leaders who, by their hard work, vision, and achievements, are creating a better tomorrow.

**RESOLUTION NO. 200-06Re: TEACHER APPRECIATION WEEK**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Ms. Ervin, the following resolution was adopted unanimously:

WHEREAS, Education is the process by which one generation passes on to the next generation the knowledge of "how to learn" as well as a zest and passion for the joy of learning itself; and

WHEREAS, Teachers open children's minds to the magic of ideas, knowledge, and dreams; and

WHEREAS, Teachers work tirelessly to serve our children and communities with care and professionalism, filling many roles as listeners, explorers, role models, motivators, and mentors; and

WHEREAS, The Board of Education wishes to recognize publicly the competence and dedication of its staff of teachers; and

WHEREAS, The Board of Education encourages families and schools to show appreciation for their dedicated, hardworking teachers; and

WHEREAS, The Board of Education thanks its teachers for their contributions to excellence in education; now therefore be it

Resolved, That Teacher Appreciation Week be observed by the school system during the week of May 7-13, 2006; and be it further

Resolved, That Tuesday, May 9, 2006, be designated as Teacher Appreciation Day for the Montgomery County Public Schools.

**Re: FINAL REPORT ON LEGISLATION**

Ms. Rogovin, legislative aide, made an oral presentation on the status of legislation that the Board reviewed.

HB 21 – Crimes – Assault on an Educator – Penalties would prohibit a person from causing physical injury to another if the person knows or has reason to know that the other is an educator acting on school grounds within the course and scope of the educator's employment. Outcome: UNFAVORABLE

HB 59/SB 509 – Criminal Law – Crimes of Violence – Child Abuse would add the crime of child abuse in the first degree to the list of crimes of violence for which specified enhanced penalties are applied to specific offenders. Outcome: PASSED

HB 61/SB 467 – Criminal Procedure – Crimes of Violence – Sexual Abuse of a Child would add the crime of sexual abuse of a minor under the age of 10 to the list of crimes of violence for which enhanced penalties are applied to specified offenders. Outcome: DIED IN RESPECTIVE COMMITTEES

HB 70 – Public Schools – Size of Classes – Limitations would restrict average class size in each grade to 15 in grades K-3 and 25 in Grades 4-12. The requirement would be effective beginning in the 2008-2009 school year. Outcome: UNFAVORABLE

HB 71/SB 59 – Public Schools – Graduation Rate Formula – Collecting, Maintaining, Analyzing, and Reporting would require the Maryland State Department of Education and local boards of education to collect and maintain data to calculate a graduation rate for each graduating class using a methodology that tracks cohorts of students as they enter ninth grade. The percentage who graduate with a regular high school diploma within four years would be reported. Outcome: PASSED

HB 72 – Public Schools – Summer Learning Pilot Program would establish a summer program in three counties chosen by the State Board of Education that have Title I schools with a high concentration of students who qualify for the Free and Reduced-Price Meals program. Fifty percent of the funds would be provided by the state. The State Board may not select a county without the approval of the county board of education. Outcome: WITHDRAWN

HB 133/SB 367 – Maryland Infants and Toddlers Program Grants Funding would mandate

funding of this program in the state budget, which provides a statewide, community-based interagency system of comprehensive early intervention service for children birth through age 2. Outcome: PASSED

HB 144 – Student Suspension – In-School Requirement would require suspended students to report to a specific school location and designated school official to do assigned schoolwork. Suspension is redefined by not including the removal of a student from the school grounds except for placement in a special or alternative education environment. Outcome: UNFAVORABLE

HB 209 – Cecil County – Workers Compensation – Students in Unpaid Work-Based Learning Experiences as amended to be a local bill, would authorize Cecil County only to waive the requirement that an employer reimburse the board for the cost of Workers Compensation for a student in an unpaid work-based learning experience. Outcome: PASSED

HB 301/SB 294 – Children, Youth, and Family Services – Local Management Boards, State Coordinating Council, and Local Coordinating Councils – Services for Children with Special Needs would recodify local management boards, the State Coordinating Council for Children, and local coordinating councils under a re-established Article 49D – Children, Youth, and Family Services. It re-establishes the Children’s Cabinet Fund within the Governor’s Office for Children. Outcome: PASSED

HB 353 – Teachers and School Administrators – Sexual Contact with Students – Prohibition would prohibit a person in a position of authority from engaging in a sexual act with a minor who, at the time of the act, is a student enrolled at a school where the person is employed. A violator would be guilty of the misdemeanor of fourth degree sexual offense and subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000. Outcome: PASSED

HB 378/SB 291 – Crimes – Restitution – Victims and Payments would expand the list of entities (including school boards) to which restitution can be ordered to be paid for the commission of offenses relating to destructive devices and toxic materials; would expand the list of persons to whom a court is authorized to order restitution; would establish the priority of payment of restitution to a victim; and would establish that the Department of Juvenile Services shall forward specified restitution to a specified person or governmental unit. Outcome: PASSED

HB 531 – Education – Contractors with Criminal Convictions – Prohibitions on Contracts would require contractors performing work for Maryland public school systems to conduct background checks on employees and prohibit employees who have been convicted of specific crimes from working at schools when students are in the building during regular school hours in the school year. Outcome: An amended version of the bill passed the House but died in the Senate committee.

HB 569 – Education – County Boards of Education – Competitive Bidding would increase the threshold dollar amount of a contract, from \$15,000 to \$25,000, for which a county board of education must use competitive bidding. Outcome: PASSED and signed by the Governor

HB 590 – Primary and Secondary Education – Special Education Programs and Related Services for Children with Disabilities – Assessment and Operations would require the Maryland State Department of Education (MSDE) to establish a process to evaluate and assess the effectiveness and management of special education programs and related services for students with disabilities in Maryland. The effectiveness and management of special education programs and related services would be determined by a grading system designed for the purpose of identifying those systems that fail to provide adequate services for students with disabilities. MSDE would be expected to be responsible for evaluating 12 local educational agencies (LEAs) in 2007 and the remaining 12 jurisdictions in fiscal year 2008. Outcome: DIED IN COMMITTEE

HB 672 – Criminal Law – Criminal Gang Offenses – Abatement of Criminal Gang Activity as a Nuisance would address the issue of organized gang activity occurring within the community, prescribe criminal sanctions for gang activity, and provide enhanced sanctions for specified criminal violations of the law. The bill also would add certain offenses involving criminal gang affiliation committed by students for which law enforcement must notify school superintendents of as a reportable offense. Outcome: UNFAVORABLE

HB 705/SB 432 – Primary and Secondary Education – School Facilities – Aging Schools Program – Grant Calculation would provide for an indexing of the Aging Schools Program funding based upon the percentage change in the consumer price index as published by the Bureau of Labor Statistics of the United States Department of Labor. Outcome: PASSED

HB 745 – Education – Student Discipline – Conferring in Face-to-Face Meeting would prohibit a principal from allowing a student subject to specified disciplinary sanctions to return to class unless a face-to-face meeting is held between the teacher and principal. Outcome: An amended version of the bill passed the House but died in the Senate committee

HB 887 – Education – Public School Construction – Plans and Specifications would authorize a Board of Education to use, sell, or otherwise convey, subject to a fee limitation, original school construction or capital improvement plans and specifications to another Board of Education or government entity. Outcome: UNFAVORABLE

HB 954 – Education – Number of School Days and School Hours – Increase would phase in over a three-year period an increase in the number of school days and minimum school hours that a public school is required to be open for pupil attendance each year. Outcome:

## UNFAVORABLE

HB 995 – Education – Protection for Victims – Duties of Local Superintendent would authorize a local superintendent of education to transfer specified students under specified circumstances. This bill requires that a local superintendent give priority consideration to the interests of victims to provide a school environment where a victim and the entire student body are safe and secure from offenders. Outcome: UNFAVORABLE

HB 1130 – Education – Adult Education and Literacy Services – Funding, as amended, would require the Governor to include in the fiscal 2008 state budget an appropriation for adult education equal to an increase of \$1.5 million over the fiscal 2007 appropriation. The Maryland State Department of Education (MSDE) must distribute the funding as Literacy Works Grants for adult education and literacy services. Outcome: PASSED

HB 1466 – Education – Task Force on Universal Preschool Education would establish a Task Force on Universal Preschool Education to recommend to the legislature a conceptual framework for increasing access to early childhood education opportunities for families. A final report is due by December 1, 2007. The Maryland State Department of Education, the Maryland Higher Education Commission, and the University System of Maryland will provide staff support for the task force. Outcome: PASSED

HB 1531 – Education – Public Schools and Institutions of Higher Education – Academic Freedom Acts would specify teacher and faculty rights and protections relating to the expression of scientific views in applicable curricula and course of learning; specify protections relating to employment and against discrimination relative to the presentation of specified information; and specify student protections. Outcome: UNFAVORABLE

HB 1737/SB 1019 – State Employees’ and Teachers’ Retirement Enhancement Benefit Act of 2006, as amended, would enhance pension benefits for all members of the Teachers’ Pension System and the Employees’ Pension System, except those employed by participating governmental units (PGUs). The benefit multiplier increases from 1.4% to 1.8% for service credit retroactive to 1998. Employee and teacher contribution rate increases are phased in over three years, rising from the current rate of 2% to 5% by July 1, 2008. Outcome: PASSED

HB 1742 – State Aid for Education – Certification of Net Taxable Income would change the date (from September 1 to November 1) that net taxable income data are drawn from the Comptroller for the purpose of measuring local wealth for use in the state education aid formulas. State aid to counties with a relatively high proportion of net taxable income associated with late income tax filings, like Montgomery County, would decrease. The decrease for the county was estimated to be between \$19 million and \$26 million in FY 2008. Outcome: DIED IN COMMITTEE

SB 4 Education – Geographic Cost of Education Index – Funding would mandate state

funding of the Geographic Cost of Education Index adjustment to basic foundation education aid. Funding would be phased in at 50 percent of the total adjustment in FY 2008, with full funding in FY 2012. Outcome: An amended version of the bill passed the Senate but died in the House committee

SB 109 – State Government – Forms Management – Extension of Implementation Date for School Data was a departmental bill put forth by the State Department of Education that would extend the date by which MSDE and local school systems must comply with state standards for data collection forms. The deadline is extended from July 1, 2006, to either July 1, 2009, or the date established by the U.S. Department of Education, whichever is sooner. Outcome: PASSED

SB 196/HB 242 – Education – Geographic Cost of Education Index – Funding would mandate state funding of the Geographic Cost of Education Index adjustment to basic foundation aid. Funding would be phased in at 62 percent in FY 2007, with full funding in FY 2010. Outcome: DIED IN RESPECTIVE COMMITTEES (although similar legislation – see SB 4 – passed the Senate)

SB 238 – Education – Comprehensive Induction Program – Guidelines, as amended, would require the State Department of Education to establish guidelines for the establishment of comprehensive induction programs for new teachers working in hard-to-staff schools. Outcome: PASSED

SB 249/HB 1200 – High Schools – Automated External Defibrillator Program – Requirements would require that each county board of education shall develop and implement an automated external defibrillator program (AED) that meets specified state requirements for each high school in the county. The program must ensure that an AED is provided on site and that an individual trained in the operation and use of an AED is present at all school-sponsored athletic events. The State Department of Education, in consultation with other agencies, must establish guidelines for periodic inspections and annual maintenance of the AEDs and assist county boards in carrying out the requirements. Outcome: PASSED

SB 293 – Education – Public Charter Schools – Clarification would require public charter schools to submit applications on or before August 1 of each year; require county boards of education to review these applications and render a decision on or before December 1 of each year; prohibit public charter schools from seeking waivers from specified charter school laws; require county boards to disburse unrestricted current expense funds in accordance with a specified formula; and authorize county boards and public charter schools to negotiate for excess funds. Outcome: FAILED on the Senate floor

SB 425 – Education – Public Schools – Annual Report of Average Faculty Salaries would require county boards of education in Maryland to annually report the average faculty salary for each public school. Outcome: UNFAVORABLE

B 465 – Commission to Study Pay-for-Performance Models of Teacher Compensation would establish a commission to study pay-for-performance models of teacher compensation. The commission would be required to study any pay-for-performance models being used in other states to determine the efficacy of piloting pay-for-performance programs in Maryland. An interim report would be submitted by January 15, 2007, and a final report by September 15, 2007. Outcome: UNFAVORABLE

SB 600 – Education – Audiologists and Speech-Language Pathologists – Licensing Fee Reimbursement would require local boards of education to reimburse audiologists and speech-language pathologists for their licensing fees if they: (1) provide audiology and speech-language services on a third-party billing basis in schools; and (2) are licensed by the State Board of Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists. The State Board of Education must adopt regulations to implement and administer the program. Outcome: PASSED

SB 621 – Education – Student Absence from School to Participate in Agriculture Programs or Activities would specify that a student participating in an agriculture program or activity that is sponsored, conducted, or sanctioned by specified organizations not be deemed absent from school or assessed a penalty for the absence. Outcome: DIED IN COMMITTEE

SB 647 – Criminal Law – Crime of Violence in or Near School – Penalties would increase the penalties for offenders who are convicted of committing a crime of violence on or around school property. This bill would increase the term of incarceration and fines for commission and conviction of a crime of violence. Outcome: UNFAVORABLE

SB 756 – Education – Alcohol and Drug Testing for Pupils in Public or Private Schools would authorize school officials to implement a policy that would require students in high school to submit to a drug or alcohol test based upon the standards of reasonable suspicion. School systems also would be required to provide a drug education program for students. Outcome: UNFAVORABLE

SB 946 – Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit would establish a new program to provide corporate tax credits for businesses contributing to organizations created to distribute tuition assistance to students and teachers. The Maryland State Department of Education (MSDE) would administer this new program. A fund would be generated by allowing businesses to claim a credit against the State Income Tax in an amount equal to 75 percent of a contribution made to an organization certified to provide tuition scholarships (vouchers) to students attending nonpublic schools, students attending innovative public schools, and teachers for continuing education. Businesses would notify MSDE of the intent to contribute and MSDE would certify the tax credit under the total annual caps of \$15 million for organizations supporting private schools and \$10 million for organizations supporting innovative public

schools. Outcome: DIED IN COMMITTEE

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Carol Plotsky	Family Life and Human Development
2.	Kristen Hayden	Health Education Curriculum
3.	Christine Grewell	Citizens Advisory Committee
4.	Julie Karner	Bells Mill Portables
5.	Laurie Halverson	Bells Mill Portables
6.	Karen Williams	Staff Work Group Recommendations
7.	Rekha Sabnis	High School Student Dropouts
8.	Christopher Lloyd	Middle School Reform

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that Parkland is an excellent example for the nation of what can be achieved in math, science, and technology education. The rigorous academic programs at the three Middle School Magnet Consortium schools underscore the strength of middle school reform in MCPS. President George W. Bush and U.S. Secretary of Education Margaret Spellings toured three classrooms before the president made his policy announcement in Parkland's gymnasium on the important role of math, science and technology. Dr. Weast thanked Principal Kevin Hobbs and his staff and students for their wonderful job in preparing for the president's visit.

The superintendent congratulated the outstanding educators and volunteers for education who were honored at the fourth annual Champions for Children gala on April 19. The highlight of the evening was the announcement of this year's Montgomery County Teacher of the Year. Robert Dahlin has been the general music teacher at Ridgeview Middle School since 1997. He is one of three Greenblatt Veteran Teacher Award winners who were the finalists for the county Teacher of the Year award.

Dr. Weast added that MCPS students, staff, and schools won top awards from the Siemens Foundation this year for their outstanding performance in the Advanced Placement program.

Mr. Johnson reported that he visited all three middle school magnets, and he had great student guides. He was impressed with the courses the students were taking. Second, he was able to defend MCPS and the SSL hours on Fox News. Third, he noted that the election for the student member of the Board of Education will take place this month. Fourth, the SGA leadership has been elected. Finally, he will deliver the keynote speech at the NAACP Day at John F. Kennedy High School on Saturday.

Mrs. Navarro thought it was important that the system supported students' civic duties with the rally in Washington, D.C. Second, she visited Kemp Mill Elementary School where kindergartners were learning Spanish and English at the same time. Last, the visit to Parkland Middle School made her think about how MCPS includes all students in all activities.

Mr. Abrams commented on the letter that Mr. Subin sent to the Inspector General regarding the report on Seven Locks Elementary School. The letter points out, from a legal standpoint, the rationale for the Board to write to the Attorney General asking for clarification on jurisdiction. Under new business, Mr. Abrams stated that he would ask for the Board to send a letter to the Attorney General and start the process to seek determination on the Inspector General's authority.

Mr. Abrams stated that the Board would review the superintendent's recommendation on Seven Locks and determine the need for a public hearing. There are important issues such as an estimate of the time and cost of addressing the Inspector General's report. He was astounded that the comparative cost of the two projects was not based on data that should be compared. The Inspector General owes the Council, community, and MCPS staff an apology.

Ms. Cox stated that she visited Summit Hall and Rosemont elementary schools. She was impressed by both schools and the Reading First Programs.

Mrs. O'Neill commented on the National School Boards Association's conference, and one of the pre-conference topics was on the First Amendment and government. During the conference, MCPS students were granted Student Service Learning hours for participating in an immigration rally in Washington, D.C. The government is participatory, and it is about democracy in action. The point is to be engaged and hear other points of view.

Ms. Ervin participated in the Johns Hopkins University conference call, "Putting Race on the Table." She learned that school systems ultimately have to view students using an asset model, not a deficit model. Furthermore, she hoped that the school system would get beyond using the term diversity as a qualifier.

**Re: STAFF WORK GROUP REPORT ON SEVEN  
LOCKS ELEMENTARY SCHOOL PROJECT**

Dr. Weast stated that a joint County Council and MCPS staff work group has identified that the least costly, most timely construction option for the Seven Locks Elementary School project is the original option already approved by the County Council and the Board of Education: the construction of a replacement facility on Kendale Road. The draft report of the staff work group estimates that the Kendale option is substantially less expensive than the six other options that would retain an elementary school at the Seven Locks site. The

only less expensive option would be to close Seven Locks Elementary School and reassign its students to other Churchill Cluster elementary schools. The Kendale option provides a replacement school by December 2007 for Seven Locks and relief of overcrowding at Potomac Elementary. The comparative savings of the Kendale option range, in current dollars, from \$4.3 million for an option that would build an addition to Potomac Elementary in 2008 and modernize Seven Locks in 2011 to \$963,000 for an option that would delay any improvements to either school until 2011. All costs would escalate if more time is taken. Dr. Weast that his recommendation was that the Board support the Kendale option with a modified core capacity of 640 students to address community concerns about the facility size and proceed with a public hearing, if the Board deems it necessary, and a recommendation to the County Council.

The staff work group should be commended for its thorough evaluation of the various options. The report provides the data and analysis needed to make an informed decision on the best option for the students and taxpayers, not only in the Seven Locks community but also for the entire Churchill Cluster and the rest of Montgomery County. He commended Council President George Leventhal for proposing the formation of the work group and additional leadership provided by Education Committee Chair Michael Subin and Board of Education President Charles Haughey in endorsing Mr. Leventhal's proposal.

The report confirmed Dr. Weast's original recommendation that the Kendale replacement school is the best option. It saves time and money. It provides the relief needed for overcrowding at Potomac Elementary School in the shortest timeframe, avoids moving staff/students to a holding facility, and places the new facility on the most appropriate site. The financial savings are not insignificant. Furthermore, the state has approved the project for reimbursement as a new school. These are significant factors in considering a capital project.

Creating a large school on the Seven Locks site is not the most desirable option for students and staff given traffic concerns there. This is well-documented in earlier reports. The increase in enrollment that would accompany a new facility on the Seven Locks site would significantly increase traffic in an area already troubled by traffic congestion and expose students and staff to potential safety concerns.

The Kendale project also has passed regulatory review. Despite claims from certain community members that there are environmental constraints, this has not been borne out by independent agency reviews. The storm water management plan and building permits have been approved by local code officials, and construction can start as soon as the special appropriation is approved.

Not only is the Kendale site the safer and more appropriate location for a new school, the plan to build there is less costly than all of the options that build on the current site. It is important to note that the work group report evaluates all options on a current cost basis. If the evaluation had included a net present value analysis of the various options, taking into

consideration the timeframes for the proposed construction of each option, the differences between the Kendale option and the other options to build on the current site would be even greater.

Therefore, Dr. Weast recommended that the Board reaffirm support for the Kendale replacement school project as the lowest cost, most timely option. The recommendation had one modification. Based on the current enrollment projections, it is apparent that five schools will provide sufficient capacity for the long-term needs of the Churchill Cluster. Therefore, Dr. Weast recommended the new school on Kendale be constructed with a 640-core capacity instead of the 740 core that is currently planned. This would reduce the cost of the project and still provide sufficient capacity for future enrollment growth.

Staff will have to negotiate a time extension for the project since it can no longer be completed by August 2008, and the bid for the project has expired. This negotiation can include reducing the size of the core facility and the associated cost savings. Once the negotiations are completed, they will be submitted for Board approval and a plan forwarded to the Council on how the savings can be applied to other capital projects.

His recommendation was a modification of the project in the Board's original request. If the Board thinks a public hearing is necessary, the Board should identify the date for this hearing during its discussion at today's meeting. Final action is scheduled at the May 9, 2006, Board meeting. The County Council is scheduled to hold a public hearing on the options on May 2, 2006. Following the Board's action on May 9, the Council will decide which option to support and include this decision in the final Council action on the FY 2007-2012 Capital Improvements Program.

Re: **DISCUSSION**

Mrs. O'Neill pointed out that the superintendent's recommendation changes the capacity at Kendale, and she thought that the Board should hold a public hearing.

Re: **PUBLIC HEARING ON SEVEN LOCKS  
ELEMENTARY SCHOOL OPTIONS**

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

WHEREAS, On March 10, 2006, the County Council President, Council Education Committee Chair, Board of Education President, and Superintendent of Schools released a joint statement forming a staff working group to perform a comprehensive review of options to address elementary school capacity and facility issues in the Churchill Cluster and, specifically, the pending Seven Locks Elementary School project; and

WHEREAS, The working group has issued its report to the Council and the Board of Education prior to final action on the Fiscal Year 2007 Capital Budget and Fiscal Year 2007-2012 Capital Improvements Plan; and

WHEREAS, The County Council has scheduled a public hearing for the evening of May 2, 2006, at 7:30 p.m., to receive testimony; and

WHEREAS, The Board of Education also desires to hear from the affected communities as to the superintendent's recommendation of April 20, 2006, and any alternative adopted by the Board of Education, prior to deciding whether to recommend to the County Council a revision to the currently approved project for a replacement school at the Kendale site or the Board's pending request before the County Council for a special appropriation of \$3.3 million; now therefore be it

Resolved, That the Board of Education hold a hearing on May 1, 2006, from 7:00 to 10:00 p.m. on the superintendent's revised recommendation as of April 20, 2006 and any alternatives; and be it further

Resolved, That individuals and organizations may sign up to testify at the hearing for two minutes each—on a first-come, first-served basis—except for slots reserved at the beginning of the hearing for each of the Churchill Cluster elementary school PTAs for three minutes each, by calling the Board of Education office as of April 21, 2006.

Re: **DISCUSSION**

Mr. Romero noted that the first *Whereas* stated that there is a Council hearing on May 2. Since the Council is conducting a hearing on the report, why have two meetings?

Ms. Cox replied that there are two different purposes. The Board's meeting is to determine its recommendation to the Council. The Council's meeting will be to gauge public support for any of the options that were developed.

Mr. Abrams pointed out that this meeting was to determine the need for a public hearing and not make a decision on the options.

Mr. Romero thought the Board was mincing the process with the goal, and he was concerned about the community testifying to the Board and then to the Council. What is the Board trying to do?

Mr. Abrams remarked that it is unclear whether the current Council acknowledges the attorney general's opinion, which states that the decision on the location of a school rests with the Board. So, the Board has to follow its process for site selection. The role of the Council is to accept or reject through funding or not funding the project.

Mrs. Navarro thought the purpose of the hearing was to hear testimony regarding the superintendent's recommendation and any alternatives put forth by the Board. The decision that will be forwarded to the Council will be made on May 9. She asked if the system was willing to be open, transparent, and inclusive. She suggested that the hearing would encompass all the options from the task force.

Mrs. O'Neill stated that a joint hearing with the Council is not appropriate. There was sincere effort on all the options of the task force, and she did not have a problem with a hearing that included all of them.

Mr. Abrams observed that the Board had a process to consider alternatives. It required an alternative with four votes to take it to a hearing. The Board does the public a disservice by creating ad hoc mechanisms. He urged the Board to follow the process that has been established in the capital budget process.

**RESOLUTION NO. 201-06Re: PUBLIC HEARING ON SEVEN LOCKS ELEMENTARY SCHOOL OPTIONS**

On motion of Mrs. O'Neill and seconded by Mr. Abrams, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Johnson voting in the negative; Ms. Ervin was not at the table:#

WHEREAS, On March 10, 2006, the County Council President, Council Education Committee Chair, Board of Education President, and Superintendent of Schools released a joint statement forming a staff working group to perform a comprehensive review of options to address elementary school capacity and facility issues in the Churchill Cluster and, specifically, the pending Seven Locks Elementary School project; and

WHEREAS, The working group has issued its report to the Council and the Board of Education prior to final action on the Fiscal Year 2007 Capital Budget and Fiscal Year 2007-2012 Capital Improvements Plan; and

WHEREAS, The County Council has scheduled a public hearing for the evening of May 2, 2006, at 7:30 p.m., to receive testimony; and

WHEREAS, The Board of Education also desires to hear from the affected communities as to the superintendent's recommendation of April 20, 2006, and any alternative adopted by the Board of Education, prior to deciding whether to recommend to the County Council a revision to the currently approved project for a replacement school at the Kendale site or the Board's pending request before the County Council for a special appropriation of \$3.3 million; now therefore be it

Resolved, That the Board of Education hold a hearing on May 1, 2006, from 7:00 to 10:00 p.m. on the superintendent's revised recommendation as of April 20, 2006 and any alternatives; and be it further

Resolved, That individuals and organizations may sign up to testify at the hearing for two minutes each—on a first-come, first-served basis—except for slots reserved at the beginning of the hearing for each of the Churchill Cluster elementary school PTAs for three minutes each, by calling the Board of Education office as of April 21, 2006.

Re: **AN ALTERNATIVE ON SEVEN LOCKS  
ELEMENTARY SCHOOL OPTIONS**

On motion of Mr. Abrams and seconded by Ms. Cox, the following alternative was placed on the table:

Resolved, That the Board of Education accept the superintendent's recommendation with the caveat that the Kendale site will be utilized for the first two years as a holding school for Bells Mill Elementary School.

Re: **DISCUSSION**

Mr. Abrams pointed out that the superintendent's recommendation is that the Churchill Cluster will have five elementary schools with 640-student cores after modernization. This alternative will address the Bells Mill situation immediately if the Council agrees to build a new school on the Kendale site. Dr. Weast stated that he was concerned about Bells Mill, and two new portables have been ordered. However, a four-school plan would be cheaper, and Bells Mill could be accelerated for modernization.

Mrs. O'Neill asked for clarification, and the task force brought forward many options. She asked if the purpose was to move Bells Mill into Kendale so that Bells Mill could be modernized.

Mr. Abrams stated that the Kendale facility would be used to adjust boundaries within the cluster, i.e., replacing Seven Locks and including some children from Potomac Elementary School. Dr. Weast restated that Kendale would become a holding school for Bells Mill for two years until Seven Locks is moved to the site with the addition of the Potomac students. Mr. Hawes stated that Bells Mill could be moved to Radnor as the holding school.

Mr. Abrams said that the utilization of the Kendale site has to be resolved by the Board and Council. Second, the next decision is a four- or five-elementary school option in the cluster. He was suggesting the five-school option with using Kendale as a holding school. Mr. Hawes replied that when Kendale is built, there will be five schools and option 5B, which provides four schools, will be moot.

Mr. Abrams agreed and said the only way to go to 5B is if the county refuses to fund the supplemental appropriation for Kendale. If the Board sends multiple options to the Council, the Board would be ceding its authority for school sites. Therefore, he was compelled to put forward a series of options that meet the legal requirements of the process. He wanted at least two tracks to address immediately the Bells Mill issues.

Mr. Johnson did not agree that giving the Council options would be ceding Board control. The Council has to fund the project so the Board should give the Council options. Then, the Board and Council can work together for a solution.

Ms. Cox stated that she was approaching this process through the policy, the regulations, and the law. The superintendent makes recommendations, the Board considers the recommendations, the Board may offer alternatives and considers community input. She would be loathed to put all the options on the table, which would send the message that the Board was considering all alternatives equally. Normally, the Board adopts alternatives that are viable. In addition, she asked if Mr. Abrams' proposal could be accomplished by using Radnor as a holding school. Mr. Hawes responded that he suggested that another way would be to accelerate Bells Mill and build Kendale.

Ms. Ervin thought the Board was setting up the public for another let down. The Board has gone through the process and sent recommendations to Council. The Council held hearings and voted. Then, there was a working group that brought back several options. Finally, the Board is going through the process again, and the community has to wait until decisions are made. This process is causing a lot of consternation in the community.

Mr. Romero asked about the core capacity and the rationale behind the superintendent's decision to change from a 740 core to a 640 core. In the past, the smaller core has haunted this Board during modernizations. Mr. Hawes stated that the long-term projection for the cluster is about 2,600 students. With five schools, there will be a capacity of 3,400 seats. Dr. Weast commended the work group, and he was of the opinion to keep it as simple, straightforward, and transparent as possible. Testimony questioned the need for a 740-core school at Kendale. After reviewing the report, he decided that a smaller school would serve the needs of the system.

Mrs. O'Neill remarked that the plan for an addition at Seven Locks began when the Council and Board heard from the Potomac community. The Board has a responsibility for the whole cluster, and the options were carefully thought out. She refused to consider an option "on the fly." She took this decision very seriously, and one more hearing would help her make a thoughtful decision.

Mr. Abrams responded that he was not trying to create something "on the fly." There are two options for a public hearing - (1) 5B which is the four-school option, and (2) Kendale which is a five-school option. The superintendent's recommendation is five schools in the Churchill Cluster with a 640 core each. Option 5B is a four-school option with a 740 core.

However, he wanted to construct a variation of the superintendent's recommendation utilizing five schools (640 core) and to address the needs at Bell Mill. If the Council would approve Kendale (640 core) and the funds to move Bells Mill into Radnor, MCPS could and immediately start the process of renovating Bells Mill with a 640 core. He did not believe the County Council would accept the acceleration of Bells Mill in the addition to Kendale.

Mr. Johnson noted that everyone around the table had put a lot of time and energy into the issue. As a Board member, he was entitled to an opinion regardless of the amount of time he had served on the Board and his legal status as a voting member. However, he had observed that the Board spends a great deal of time defending itself through policy and the legality of every issue. The Board needs to address the issue of inadequate facilities in a way the community understands without maneuvering with a defensive position. He thought the Board could vote on each option and go from there.

Ms. Cox wanted to know if the amendment of Option 1 to allow the Kendale facility to be utilized by Bells Mill would not require a request for funding to accelerate the Bells Mill's modernization. Mr. Hawes stated that there is a need for a supplemental appropriation to move forward with the superintendent's recommendation. Then, the Council would need to be convinced to move the Bell Mill's expenditures up. Under all circumstances, the Board will need more money sooner.

Mr. Romero asked how much money the Council has allocated for Kendale, or what is the gap between the 640 core that is recommended and what has already been funded. Mr. Hawes responded that the Council has funded a 740-core school less the \$3.3 million supplement.

Re: **AN ALTERNATIVE ON SEVEN LOCKS  
ELEMENTARY SCHOOL OPTIONS**

On motion of Mr. Abrams and seconded by Ms. Cox, the following alternative failed with Mr. Abrams voting in the affirmative; Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the negative:

Resolved, That the Board of Education accept the superintendent's recommendation with the caveat that the Kendale site will be utilized for the first two years as a holding school for Bells Mill Elementary School.

Re: **AN ALTERNATIVE ON SEVEN LOCKS  
ELEMENTARY SCHOOL OPTIONS**

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

Resolved, That the Board of Education add Option 5B as an alternative (four-school scenario would balance enroll in the cluster with 620 classroom seats each and 740-core facilities; Bells Mill modernization would be completed in 2009).

Re: **DISCUSSION**

Ms. Cox wanted to make sure that the community understands the 5B option, which would close Seven Locks by 2010 and create capacity in each of the four remaining schools with a 740 core. The boundary changes would be limited to moving students from the Seven Locks service area into the Beverly Farms, Bells Mill and Potomac elementary schools. The schedules for the modernizations of the four schools would not change except that Bells Mill would be moved one year forward with completion in 2009.

Mr. Abrams stated that he would support modification of his alternative if Bells Mill was moved to the first modernization.

Mrs. O'Neill thought it was important to have the points of clarification in the motion.

Mr. Bowers pointed out that if a school is closed there is a process to comply with state law and Board policies.

RESOLUTION NO. 202-06Re: **AN ALTERNATIVE ON SEVEN LOCKS ELEMENTARY  
SCHOOL OPTIONS**

On motion of Mr. Abrams and seconded by Mrs. O'Neill, the following alternative was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin, Mr. Johnson, and Mrs. Navarro voting in the negative: #:

Resolved, That the Board of Education add Option 5B as an alternative (four-school scenario would balance enroll in the cluster with 620 classroom seats each and 740 core facilities; Bells Mill modernization would be completed in 2009).

Re: **DISCUSSION**

Dr. Weast wanted the record to be clear that the two options are put forward and neither are favorable in the minds of the Council as well as the community.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 1:55 to 3:00 p.m.

RESOLUTION NO. 203-06 Re: **FINAL ACTION ON POLICY JPG - WELLNESS:  
PHYSICAL AND NUTRITIONAL HEALTH**

On motion of the Policy Committee, the following resolution was adopted with Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin and Mrs. Navarro were not at the table:

WHEREAS, Policy JPG, *Wellness: Physical and Nutritional Health*, sets forth that a high quality education can only be provided in a healthy school culture; and

WHEREAS, Policy JPG, *Wellness: Physical and Nutritional Health*, establishes a framework that will help students learn to take responsibility for their own health and to adopt healthy habits, attitudes, and behaviors for life; and

WHEREAS, The draft revision of Policy JPG, *Wellness: Physical and Nutritional Health*, was tentatively adopted by the Board of Education on January 10, 2006, and sent out for public comment; now, therefore be it

Resolved, That the Board of Education adopt Policy JPG, *Wellness: Physical and Nutritional Health*, to become effective as of the start of the 2006-2007 school year.

**Wellness:  
Physical and Nutritional Health**

A. **PURPOSE**

The Board of Education is committed to creating a school culture that promotes and protects children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Such a culture will help students learn to take responsibility for their own health and to adopt healthy habits, attitudes, and behaviors for life.

B. **ISSUE**

A high quality education can only be provided in a healthy school culture. Research indicates that many students are inactive and lack healthy eating habits, leading to an increase in childhood obesity.

**C. POSITION**

Schools will provide many opportunities to engage students in healthy eating and physical activity.

**1. Nutrition Education**

- a) The pre-K–12 health education and physical education curricula will include nutrition education.
- b) Pre-K–12 nutrition education shall be coordinated with the food and nutrition service program to create a school environment that fosters and encourages students to make healthy food choices.

**2. Physical Education**

The prekindergarten through twelfth grade standards-based physical education curriculum which is geared to teach children “fitness for life” skills shall include: moderate to vigorous physical activity; teach knowledge, motor skills, and positive attitudes; promote physical activity and sports involvement for all students to enjoy and pursue throughout their lives.

**3. Physical Activity**

Physical activity will be encouraged for students, staff, and community members before school, during the instructional day, and after the instructional day.

**4. Food and Nutrition Services**

The goal of Food and Nutrition Services is to develop lifelong healthy behaviors that foster sound nutrition and physical activity.

- a) The National School Lunch Program (NSLP) and School Breakfast Program (SBP) will meet the nutritional standards and regulations as established by the U.S. Department of Agriculture and the MSDE.
- b) Foods and beverages available for sale to students outside the NSLP and the SBP must meet the nutritional standards as adopted by the Board of Education to make a positive contribution to the students’ diet to promote health.

5. Communication

Information will be provided to students, staff, parents, and other stakeholders to encourage and support a healthy lifestyle.

D. DESIRED OUTCOMES

An educational environment that encourages lifelong healthy behaviors, supports personal well-being and fitness, and promotes academic success.

E. IMPLEMENTATION

The superintendent will adopt regulations to implement this wellness policy. Such regulations shall include the designation of an office with the operational responsibility for oversight of the wellness policy.

The superintendent will propose nutritional standards for the Board of Education's consideration and adoption.

F. REVIEW AND REPORTING

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

**RESOLUTION NO. 204-06Re: CONTRACTS OF \$25,000 OR MORE**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, 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 RFP No. 1143.2, Voluntary Defined Contribution Programs, be rejected due to a change in scope of services and objectives; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of a DocuTech Copier/Printer system upgrade through Bid No. 4163.2; and

WHEREAS, The acquisition of a DocuTech Copier/Printer system upgrade through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That RFP No. 1143.2, Voluntary Defined Contributions Programs, be rejected due to change in scope of services and objectives; and be it further

Resolved, That a DocuTech Copier/Printer system upgrade in the amount of \$48,045 be lease/purchased for a five-year term under the Master Lease/Purchase Agreement with Carlyle Financial Services; and be it further

Resolved, That the proceeds from the financing be used to reimburse Montgomery County Public Schools' accounts to the extent that such equipment will be acquired before closing; and be it further

**Resolved, That the Board president and superintendent be authorized to execute the documents necessary for these transactions; and be it further**

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

3507 Towing, Transport and Recovery of Vehicles—Extension  
000

219	<u>Awardee</u> Automotive Support Services, Inc.	\$ 100,000
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4011.5 Maintenance Lumber—Extension

	<u>Awardees</u>	
	Allied Plywood Corporation	\$ 109,137
	Pikesville Lumber Company	<u>61,121</u>
	Total	\$ 370,258

4061.8 Musical Instruments, Furniture and Equipment

	<u>Awardees</u>	
	<b>Cornet Music</b>	<b>\$ 386</b>
	Interstate Music	47,233
	Jordan Kitts Music	64,098
	Midwest Musical Imports	10,175
	Music and Arts Center	3,450
	Music in Motion	263
	Music is Elementary 50,178	
	National Educational Music Company	48,931
	Peripole Bergerault, Inc.*	1,559
	Rhythm Band, Inc.	8,507
	Southwest Strings*	967
	Stageright Corporation	1,685
	Suzuki Musical Instruments	1,265
	Washington Music Sales Center, Inc.*	45,693

	Wenger Corporation	<u>64,583</u>
	Total	\$ 348,973
4099.3	Fire Alarm Parts—Extension	
	<u>Awardees</u>	
	ADI*	\$ 25,822
	Alarmax Distributors, Inc.	12,196
	Alleghany Electronics	1,000
	SPC, Inc.	925
	System Supply Corporation	<u>468</u>
	Total	\$ 40,411
4120.6	Office Papers, Virgin and Recycled	
	<u>Awardees</u>	
	Officemax	\$ 375,072
	RIS the Paperhouse	286,401
	Unisource	<u>2,407,579</u>
	Total	\$3,069,052
4162.2	DocuTech Copier/Printer	
	<u>Awardee</u>	
	Xerox Corporation	\$ 48,045
4164.1	CNC Router/Mill System—Extension	
	<u>Awardee</u>	
	<b>Diversified Educational System</b>	<b>\$ 35,044</b>
4166.1	Professional Development Management System—Extension	
	<u>Awardee</u>	
	TrueNorthLogic	\$ 346,000
4168.1	Subscription Fee for Automated Reading Assessments—Extension	
	<u>Awardee</u>	
	Wireless Generation	\$ 494,000
7130.2	Commodity Product Processing Services	

	<u>Awardees</u>		
	Gold Kist, Inc.		\$ 154,350
	Land O'Lakes, Inc.		48,048
	Don Lee Farms		92,650
	Oak Valley Farms, Inc.		49,680
	Pierre Foods, Inc.		196,061
	Quik-To-Fix Foods, Inc.		109,926
	Schreiber Foods, Inc.		44,345
	Tyson Sales and Distribution, Inc.	<u>256,190</u>	
	Total		\$ 951,250
7132.2	Kitchenware and Small Equipment		
	<u>Awardees</u>		
	Buller Fixture Company		\$ 20,759
	Calico Industries, Inc.		<u>9,469</u>
	Total		\$ 30,228
7135.5	Cafeteria Disposable Supplies		
	<u>Awardees</u>		
	Calico Industries, Inc.		\$ 77,210
	S. Freedman and Sons, Inc.		160,241
	Kahn Paper Company, Inc.		102,947
	Plascon, Inc.	8,277	
	Transilwrap Company, Inc.	2,123	
	Webco Packaging, Inc.*		<u>181,877</u>
	Total		\$ 532,675
7149.1	Retrofit Devices and Services for Buses—Extension		
	<u>Awardees</u> (See note)		
	Alban Engine Power Systems		
	Kingmor Supply, Inc.		
	K. Neal International Trucks, Inc.		
	Total		\$ 147,626
7165.1	Magazine Subscriptions		
	<u>Awardee</u>		
	W. T. Cox Subscriptions, Inc.*		\$ 235,000
7168.1	Cafeteria Disposable Food Trays Supplies		

	<u>Awardees</u>		
	Acme Paper and Supply Company, Inc.	\$	567
	Kahn Paper Company, Inc.		214,533
	Leonard Paper Company		8,216
	Par Pak, Inc. 7,590		
	Webco Packaging, Inc.		<u>806</u>
	Total	\$	232,712
9083.4	Physical Education Supplies and Equipment		
	<u>Awardees</u>		
	Aluminum Athletic Equipment Company	\$	27,260
	Cannon Sports, Inc.*		10,062
	Deary's Gymnastics Supply		1,962
	DVF Sporting Goods Company		2,540
	Gopher Sport		1,545
	Greg Larson Sports 1,860		
	Gregg United Sports, Inc.		2,425
	Passon's Sports		19,144
	Pyramid School Products		3,377
	S & S Worldwide		1,396
	Soccer International, Inc.		14,070
	Sportime, LLC		2,270
	Sportmaster		3,780
	Sports Stop, Inc.		<u>1,905</u>
	Total	\$	143,596
9117.3	Produce, Fresh		
	<u>Awardee</u>		
	Lancaster Foods, Inc.	\$	600,000
9393.1	Stage Lighting/Dimmer Control System Renovations**		
	<u>Awardee</u>		
	Texas Scenic Company, Inc.	\$	182,924
9610.1	Replacement of Suspended Ceiling System at Belmont Elementary School**		
	<u>Awardee</u>		
	Walker Willis T/A Custom Masonry	\$	264,500
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$	8,172,294

- \* 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. 205-06Re: CAPITAL PROJECTS TO BE CLOSED EFFECTIVE JUNE 30, 2006**

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

WHEREAS, The Board of Education annually closes capital projects and transfers any unencumbered balances to the unliquidated surplus account; and

WHEREAS, The Department of Facilities Management has reviewed capital projects that may be closed effective June 30, 2006; now therefore be it

Resolved, That the superintendent be authorized to close, effective June 30, 2006, capital construction projects listed below, subject to final audit:

<u>Project No.</u>	<u>Project</u>	<u>Balance</u>
104	Seneca Valley High School	-0-
523	Spark M. Matsunaga Elementary School	\$3,277
701	Damascus High School	-0-
769	Oakland Terrace Elementary School	-0-
9918	Fuel Tank Management	\$2
9930	Stormwater Discharge Management	-0-
9997	Facility Wiring for Cable Television	\$6

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council to be included in the FY 2007 Educational Facilities Master Plan and the FY 2007-2012 Capital Improvements Program.

**RESOLUTION NO. 206-06Re: UTILIZATION OF THE FY 2006 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS**

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

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. 15-631, approved May 27, 2005; and

WHEREAS, The projects do not require any present or future county funds; and  
 WHEREAS, Sufficient appropriation is available, within the FY 2006 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 2006 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
AP: Great Expectations	\$ 46,665
Even Start Family Literacy	<u>195,980</u>
Total	<u>\$ 242,645</u>

and be it further

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

**RESOLUTION NO. 207-06Re: HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approve the report dated April 20, 2006.

**RESOLUTION NO. 208-06Re: DEATH OF MS. JUDY W. HOOPER, BUILDING SERVICE WORK LEADER II, KINGSVIEW MIDDLE SCHOOL**

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

WHEREAS, The death on March 20, 2006, of Ms. Judy W. Hooper, building service work leader II at Kingsview Middle School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the three years that Ms. Hooper had worked for Montgomery County Public Schools, she was recognized as a person who took great pride in her building service work leader position; and

WHEREAS, Ms. Hooper's knowledge of her position, extra effort in the total operation of the school, and good rapport were recognized by students and staff alike; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Ms. Judy W. Hooper 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 Ms. Hooper's family.

**RESOLUTION NO. 209-06Re: APPOINTMENTS**

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

Resolved, That the Board of Education approved the following personnel appointments:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>	<u>Effective</u>
Philip McGaughey	Internal Audit Coordinator	Director, Division of Procurement	July 1, 2006
Karen Johnson	Focus Teacher	Intercession Coordinator Broad Acres ES	April 21, 2006
Donna Matthews-Blaney	Magnet Science Resource Teacher	Magnet Coordinator Parkland Magnet/Aerospace	July 1, 2006

**RESOLUTION NO. 210-06Re: AMENDMENT OF THE AGENDA**

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

Resolved, That the Board of Education reschedule discussion on Item 9.0 – High School Assessments.

**Re: MONTHLY FINANCIAL REPORT**

Mr. Bowers reported that the actual financial condition of MCPS as of February 28, 2006, and projections through June 30, 2006, were based on program requirements and estimates made by primary and secondary account managers. At this time, revenues had a projected surplus of \$504,927, while expenses had a projected surplus of \$600,000. Staff will continue to closely monitor both revenues and expenditures. A discussion of the

actual financial condition of MCPS as of February 28, 2006, and projected revenues and expenditures through June 30, 2006.

Re: **REVISIONS TO BOARD OF EDUCATION-ADOPTED PROCEDURES FOR SELECTING ARCHITECTS AND PROFESSIONAL SERVICES CONSULTANTS**

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

WHEREAS, On March 22, 2006, the Board of Education Audit Committee met to review the Board Adopted Procedures for Selecting Architects and Professional Services Consultants and discuss whether revisions should be recommended in light of the opinion of the Office of the Inspector General that current practices do not comply with the procedures; and

WHEREAS, The Audit Committee review confirmed that the current practices comply with both state law as well as the intent of the Board procedures; however, to ensure consistency, the Audit Committee voted to recommend that revisions to the procedures be adopted to reflect current practices; and

WHEREAS, Staff has drafted revisions to the procedures that reflect current practices, streamline the process for efficiency and cost effectiveness, and clarify professional services utilizing this process; and

WHEREAS, The recommended changes do not modify the intent of the architectural selection process or school/community involvement in selecting architects; now therefore be it

Resolved, That the Board of Education adopt the attached procedures with the revisions recommended by the Board Audit Committee for selecting architects and other professional services for school construction projects.

**ARCHITECT/ENGINEER/CONSTRUCTION MANAGEMENT SELECTION PROCEDURES**

On an annual basis, the Department of Facilities Management implements the Capital Improvements Program for the public schools that has been requested by the Board of Education and approved by the Montgomery County Council. Frequently, architectural, engineering, and construction management services are required for specific projects, including the modernization of existing schools and the construction of new schools.

When the scope of a project is such that the architectural/engineering/construction management fee is expected to exceed \$25,000, a five-step process is used to select an appropriate firm. The selection process encompasses the following steps: public notice, application, initial selection, negotiation, and appointment.

PUBLIC NOTICE

When appropriate, the director of the Department of Facilities Management notifies the public of MCPS' intent to secure architectural/engineering/construction management services. A notice to this effect, soliciting applications from qualified firms, is placed in a local newspaper for three consecutive days. Similar notices may be provided to the following construction industry information services: Dodge Reports and Blue Reports. At least two weeks are generally allowed for receipt of responses.

#### APPLICATION

During, and only during, the time period defined in the public notice, interested architectural and engineering firms may apply for consideration for a specific project by submitting the following information to the director of the Division of Construction:

1. A letter of interest in the project signed by an officer of the firm
2. Completed, up-to-date U. S. Government Standard Forms 254 and 255 (These forms are used by the Federal Government for architect and engineer selection and require applicants to provide the information that allows MCPS to make an informed judgment on an applicant's experience and qualifications.)
3. Optional additional information on completed projects and special qualifications.

#### INITIAL SELECTION

Applications are evaluated by a selection committee for each specific project composed of staff representatives of the Department of Facilities Management, representatives of the affected school, PTA, and Office of School Performance if appropriate.

For projects for which a design competition will be held, the committee typically selects two to four firms to compete for the commission. For projects for which a design competition is not appropriate, the committee selects a single firm.

Selection of firms is based on evaluation of the following criteria:

Architectural/Engineering Services:

1. General competence, including that of proposed consultants
2. Geographic location of firm and consultants
3. Past performance on MCPS projects or on similar work elsewhere, especially with regard to errors, omissions, and adherence to budget and schedule limitations
4. Compatibility of the size of the firm with the size of the proposed project
5. Indications of the firm's recent total workload and capacity to accomplish the proposed work in the required time
6. Indications of the firm's understanding of the project's requirements
7. Special experience, design approach, or other special qualifications
8. Originality and quality of design of previous work

9. Firm's financial responsibility
10. Measures of protection for MCPS against errors and omissions
11. Demonstrated experience or knowledge of design techniques for K-12 educational facilities that create flexible teaching spaces compatible with requirements for effective learning environments in the 21<sup>st</sup> century
12. Demonstrated experience or knowledge of current information technology systems used in K-12 educational facilities and the ability to integrate technology and building design in a manner that meets the requirements of effective learning environments for the 21<sup>st</sup> century

Construction Management Services:

1. Past performance on MCPS projects or on similar work
2. Comparability of firm with size of project
3. Firm's understanding of the project requirements
4. Firm's key project personnel qualifications/experience with similar projects
5. Firm's overall experience in the construction industry
6. Firm's demonstrated experience in the following:
  - 1) Procedures for ensuring quality control
  - 2) Procedures for scheduling/managing project work
  - 3) Creating successful relationship and performance outcomes with subcontracts
  - 4) Communication with client on project activities
  - 5) Managing financial activities for construction projects of similar size
  - 6) Project close out and warranty activities
  - 7) Client relationships
7. Firm's history of project litigation

Each member of the selection committee independently applies the selection criteria to each firm's application, interview, or presentation, if a design competition is conducted. After discussion, the committee members vote by secret ballot. The results are tabulated by the director of the Division of Construction or his/her designee. The firm that receives the most votes, or if a design competition is conducted, the most points, becomes a candidate for negotiation.

#### NEGOTIATION

The purpose of the negotiation process is to determine a lump sum fee for delivery of all services for the project that is acceptable to both MCPS and to the candidate firm. The director of the Division of Construction maintains a fee schedule for typical projects. This schedule forms the basis for negotiations. The director attempts to negotiate agreement with the candidate firm for a fee that the director determines to be fair, competitive, and reasonable.

Negotiations for a preliminary agreement are limited to 30 days from the time the candidate firm is first notified of its tentative selection, unless extended at the option of the director of the Department of Facilities Management.

If not completed within the period allowed by the director of the Department of Facilities Management, negotiations are terminated and the candidate firm is removed from further consideration for the project.

At the option of the director, Department of Facilities Management, the firm in second place in the initial selection process is contacted, and the negotiation process described above is conducted. The negotiation process is repeated until agreement is reached with an appropriately qualified firm. At any time during the negotiation phase, the process may be terminated by the director of the Department of Facilities Management and the project re-advertised.

#### APPOINTMENT

When a satisfactory agreement is negotiated, the director of the Department of Facilities Management transmits a recommendation to the superintendent of schools. The superintendent reviews the recommendation and may either return it to the director of the Department of Facilities Management for renegotiation or transmit it to the Board of Education for approval.

The Board considers the superintendent's recommendation and, if the terms of the agreement are considered satisfactory, authorizes a contract with the candidate firm.

#### FACILITY PLANNING/FEASIBILITY STUDIES

Once a firm has completed a feasibility study or facility planning project, they may be considered for appointment for the architectural design services for the project based on the following:

1. The feasibility study or facility planning services provided by the firm for the specific project are rated satisfactory by the Division of Construction project manager
2. The architect applied for and was qualified based on the criteria for architectural design phase services during the initial public advertisement period
3. The initial selection committee members review the project firm's performance of the feasibility study or facility planning services and a majority vote to continue the firm's services for the architectural design phase of the project

If these three conditions are met, the director, Department of Facilities Management can authorize the director, Division of Construction to proceed with the negotiation phase without re-advertising.

#### PROJECTS FOR FEES LESS THAN \$25,000

For projects for which the fee is expected to be less than \$25,000, a four-phase selection process is used: public notice, selection, negotiation, and appointment.

Public Notice: A notice informing interested firms that MCPS intends to commission a specific type and quantity of work is placed in a local paper. Typically, firms will be invited to submit U.S. Government Standard forms 254 and 255 and other information on their qualifications for a specific project.

Selection: Responses from interested firms are evaluated by a selection committee composed of staff representatives of the Department of Facilities Management and representatives of the affected school, if applicable. Evaluation is based on the same criteria as for projects for fees greater than \$25,000.

The selection committee recommends an appropriate firm to the director of the Department of Facilities Management.

Negotiation: The director of the Division of Construction negotiates a fee agreement with the selected firm that is consistent with the scope of the proposed work and the level of services required. The director of the Division of Construction maintains a fee schedule for typical projects. This schedule forms the basis for negotiations. The director attempts to negotiate agreement with the candidate firm for a fee that the director determines to be fair, competitive, and reasonable.

Negotiations are limited to 30 days from the time the candidate firm is first notified of its tentative selection.

If not completed within the period allowed by the director of the Department of Facilities Management, negotiations are terminated, and the candidate firm is removed from further consideration for the project.

At the option of the director of the Department of Facilities Management, the firm in second place in the initial selection process is contacted, and the negotiation process described above is conducted. This negotiation process is repeated until agreement is reached with an appropriately qualified firm.

At any time during the negotiation phase, the process may be terminated by the director of the Department of Facilities Management and the project re-advertised.

Appointment: When a satisfactory agreement is negotiated, the director of the Division of Construction so informs the director of the Department of Facilities Management who reviews the agreement. If the agreement is acceptable, the director of the Department of School Facilities forwards an appropriate contract to the superintendent of schools for approval. If the superintendent approves, the contract is executed. A summary of contract activity for this category of project is provided to the Board of Education on a periodic basis.

#### UNUSUAL AND IMPERATIVE SITUATIONS

When unusual and imperative situations, such as a Board request for a feasibility study, require immediate action in a timeframe in which customary selection procedures are inappropriate, the director of the Department of Facilities Management, with the agreement of the superintendent, may supersede these procedures. The Board shall be notified of the exceptional situation at the time the architect/engineer contract is presented for approval.

#### **RESOLUTION NO. 211-06Re: AN AMENDMENT TO THE REVISIONS TO BOARD OF EDUCATION-ADOPTED PROCEDURES FOR SELECTING ARCHITECTS AND PROFESSIONAL SERVICES CONSULTANTS**

On motion of Mr. Romero and seconded by Mr. Abrams, the following amendment was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin was not at the table:

Resolved, That the Board of Education amend the Architect/Engineer/Construction Management Selection Procedures to read:

**Qualification Period**

**Once the Architect/Engineer/Construction Management firm has been qualified to provide services for certain capital projects, the Department of Facilities Management can consider the firm for specific projects for a two-year period from their initial qualification date**

and

Completed, up-to-date U. S. Government Standard **Form 330 (current form or latest edition)** that is used to ~~254 and 255 (These forms are used by the Federal Government for architect and engineer selection and require applicants provide the information~~ **on A / E / CM service providers** that allow MCPS to make an informed judgment on an applicant's experience and qualifications.

RESOLUTION NO. 212-06Re: **AN AMENDMENT TO THE REVISIONS TO BOARD OF EDUCATION-ADOPTED PROCEDURES FOR SELECTING ARCHITECTS AND PROFESSIONAL SERVICES CONSULTANTS**

On motion of Ms. Cox and seconded by Mr. Abrams, the following amendment was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mr. Johnson, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Ms. Ervin and Mr. Romero were not at the table:

Resolved, That the Board of Education add the following statement:

**Statement signed by an officer of the firm that the applicant has not been disqualified by another government agency to provide A / E / CM services.**

Re: **DISCUSSION**

The Board Members made several editorial changes.

RESOLUTION NO. 213-06Re: **REVISIONS TO BOARD OF EDUCATION- ADOPTED PROCEDURES FOR SELECTING ARCHITECTS AND PROFESSIONAL SERVICES CONSULTANTS**

On motion of the Audit Committee, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Ms. Ervin, Mr. Johnson, and Mr. Romero were not at the table:

WHEREAS, On March 22, 2006, the Board of Education Audit Committee met to review the Board Adopted Procedures for Selecting Architects and Professional Services Consultants and discuss whether revisions should be recommended in light of the opinion of the Office of the Inspector General that current practices do not comply with the procedures; and

WHEREAS, The Audit Committee review confirmed that the current practices comply with both state law as well as the intent of the Board procedures; however, to ensure consistency, the Audit Committee voted to recommend that revisions to the procedures be adopted to reflect current practices; and

WHEREAS, Staff has drafted revisions to the procedures that reflect current practices, streamline the process for efficiency and cost effectiveness, and clarify professional services utilizing this process; and

WHEREAS, The recommended changes do not modify the intent of the architectural selection process or school/community involvement in selecting architects; now therefore be it

Resolved, That the Board of Education adopt the following procedures with the revisions recommended by the Board Audit Committee for selecting architects and other professional services for school construction projects.

#### **ARCHITECT/ENGINEER/CONSTRUCTION MANAGEMENT SELECTION PROCEDURES**

On an annual basis, the Department of Facilities Management implements the Capital Improvements Program for the public schools that has been requested by the Board of Education and approved by the Montgomery County Council. Frequently, Architectural, Engineering, and Construction management (A/E/CM) services are required for capital projects, including the modernization of existing schools and the construction of new schools.

When the scope of a project is such that the A/E/CM fee is expected to exceed \$25,000, a five-step process is used to select an appropriate firm. The process for projects for which the fee is expected to be less than \$25,000 is discussed on page 5. The selection process encompasses the following steps: public notice, application, initial selection, negotiation, and appointment.

#### **PUBLIC NOTICE**

When appropriate, the director of the Department of Facilities Management notifies the public of MCPS' intent to secure (A/E/CM) services. A notice to this effect, soliciting applications from qualified firms, is placed in a local newspaper for three consecutive days. Similar notices may be provided to the following construction

industry information services: Dodge Reports and Blue Reports. At least two weeks are generally allowed for receipt of responses.

#### APPLICATION

During, and only during, the time period defined in the public notice, interested A/E/CM firms may apply for consideration for capital projects by submitting the following information to the director of the Division of Construction:

1. A letter of interest signed by an officer of the firm
2. Completed, up-to-date U. S. Government Standard Form 330 (current form or latest edition) that is used to provide information on A/E/CM service providers that will allow MCPS to make an informed judgment on an applicant's experience and qualifications.
3. Optional additional information on completed projects and specific qualifications.
4. Statement signed by an officer of the firm that the applicant has not been disqualified by another government agency to provide A/E/CM services.

#### INITIAL SELECTION

Applications are evaluated by a selection committee for each specific project composed of staff representatives of the Department of Facilities Management, representatives of the affected school, PTA, and Office of School Performance if appropriate.

For projects for which a design competition will be held, the committee typically selects two to four firms to compete for the commission. For projects for which a design competition is not appropriate, the committee selects a single firm.

Selection of firms is based on evaluation of the following criteria:

#### Architectural/Engineering Services:

1. General competence, including that of proposed consultants
2. Geographic location of firm and consultants
3. Past performance on MCPS projects or on similar work elsewhere, especially with regard to errors, omissions, and adherence to budget and schedule limitations
4. Compatibility of the size of the firm with the size of the proposed project
5. Indications of the firm's recent total workload and capacity to accomplish the proposed work in the required time
6. Indications of the firm's understanding of the project's requirements
7. Special experience, design approach, or other special qualifications
8. Originality and quality of design of previous work

9. Firm's financial responsibility
10. Measures of protection for MCPS against errors and omissions
11. Demonstrated experience or knowledge of design techniques for K-12 educational facilities that create flexible teaching spaces compatible with requirements for effective learning environments in the 21<sup>st</sup> century
12. Demonstrated experience or knowledge of current information technology systems used in K-12 educational facilities and the ability to integrate technology and building design in a manner that meets the requirements of effective learning environments for the 21<sup>st</sup> century

Construction Management Services:

1. Past performance on MCPS projects or on similar work
2. Comparability of firm with size of project
3. Firm's understanding of the project requirements
4. Firm's key project personnel qualifications/experience with similar projects
5. Firm's overall experience in the construction industry
6. Firm's demonstrated experience in the following:
  - 1) Procedures for ensuring quality control
  - 2) Procedures for scheduling/managing project work
  - 3) Creating successful relationship and performance outcomes with subcontracts
  - 4) Communication with client on project activities
  - 5) Managing financial activities for construction projects of similar size
  - 6) Project close out and warranty activities
  - 7) Client relationships
7. Firm's history of project litigation

Each member of the selection committee independently applies the selection criteria to each firm's application, interview, or presentation, if a design competition is conducted. After discussion, the committee members vote by secret ballot. The results are tabulated by the director of the Division of Construction or his/her designee. The firm that receives the most votes, or if a design competition is conducted, the most points, becomes a candidate for negotiation.

NEGOTIATION

The purpose of the negotiation process is to determine a lump sum fee for delivery of all services for the project that is acceptable to both MCPS and to the candidate firm. The director of the Division of Construction maintains a fee schedule for typical projects. This schedule forms the basis for negotiations. The director attempts to negotiate agreement with the candidate firm for a fee that the director determines to be fair, competitive, and reasonable.

Negotiations for a preliminary agreement are limited to 30 days from the time the candidate firm is first notified of its tentative selection, unless extended at the option of the director of the Department of Facilities Management.

If not completed within the period allowed by the director of the Department of Facilities Management, negotiations are terminated and the candidate firm is removed from further consideration for the project.

At the option of the director, Department of Facilities Management, the firm in second place in the initial selection process is contacted, and the negotiation process described above is conducted. The negotiation process is repeated until agreement is reached with an appropriately qualified firm. At any time during the negotiation phase, the process may be terminated by the director of the Department of Facilities Management and the project re-advertised.

#### APPOINTMENT

When a satisfactory agreement is negotiated, the director of the Department of Facilities Management transmits a recommendation to the superintendent of schools. The superintendent reviews the recommendation and may either return it to the director of the Department of Facilities Management for renegotiation or transmit it to the Board of Education for approval.

The Board considers the superintendent's recommendation and, if the terms of the agreement are considered satisfactory, authorizes a contract with the candidate firm.

#### QUALIFICATION PERIOD

Once an A/E/CM firm has been qualified to provide services for certain capital projects, the Department of Facilities Management can consider the firm for specific projects for a two-year period from their initial qualification date.

#### FACILITY PLANNING/FEASIBILITY STUDIES

Once a firm has completed a feasibility study or facility planning project, they may be considered for appointment for the architectural design services for the project based on the following:

1. The feasibility study or facility planning services provided by the firm for the specific project are rated satisfactory by the Division of Construction project manager
2. The architect applied for and was qualified based on the criteria for architectural design phase services during the initial public advertisement period
3. The initial selection committee members review the project firm's performance of the feasibility study or facility planning services and a majority vote to continue the firm's services for the architectural design phase of the project

If these three conditions are met, the director, Department of Facilities Management can authorize the director, Division of Construction to proceed with the negotiation phase without re-advertising.

#### PROJECTS FOR FEES LESS THAN \$25,000

For projects for which the fee is expected to be less than \$25,000, a four-phase selection process is used: public notice, selection, negotiation, and appointment.

Public Notice: A notice informing interested firms that MCPS intends to commission a specific type and quantity of work is placed in a local paper. Typically, firms will be invited to submit U.S. Government Standard form 330 (current form or latest edition) and other information on their qualifications for a specific project.

Selection: Responses from interested firms are evaluated by a selection committee composed of staff representatives of the Department of Facilities Management and representatives of the affected school, if applicable. Evaluation is based on the same criteria as for projects for fees greater than \$25,000.

The selection committee recommends an appropriate firm to the director of the Department of Facilities Management.

Negotiation: The director of the Division of Construction negotiates a fee agreement with the selected firm that is consistent with the scope of the proposed work and the level of services required. The director of the Division of Construction maintains a fee schedule for typical projects. This schedule forms the basis for negotiations. The director attempts to negotiate agreement with the candidate firm for a fee that the director determines to be fair, competitive, and reasonable.

Negotiations are limited to 30 days from the time the candidate firm is first notified of its tentative selection.

If not completed within the period allowed by the director of the Department of Facilities Management, negotiations are terminated, and the candidate firm is removed from further consideration for the project.

At the option of the director of the Department of Facilities Management, the firm in second place in the initial selection process is contacted, and the negotiation process described above is conducted. This negotiation process is repeated until agreement is reached with an appropriately qualified firm.

At any time during the negotiation phase, the process may be terminated by the director of the Department of Facilities Management and the project re-advertised.

Appointment: When a satisfactory agreement is negotiated, the director of the Division of Construction so informs the director of the Department of Facilities Management who reviews the agreement. If the agreement is acceptable, the director of the Department of School Facilities forwards an appropriate contract to the superintendent of schools for approval. If the superintendent approves, the contract is executed. A summary of contract activity for this category of project is provided to the Board of Education on a periodic basis.

#### UNUSUAL AND IMPERATIVE SITUATIONS

When unusual and imperative situations, such as a Board request for a feasibility study, require immediate action in a timeframe in which customary selection procedures are inappropriate, the director of the Department of Facilities Management, with the agreement of the superintendent, may supersede these procedures. The Board shall be notified of the exceptional situation at the time the architect/engineer contract is presented for approval.

#### **RESOLUTION NO. 214-06Re: CURRICULUM FRAMEWORKS – ART, MUSIC, AND PHYSICAL EDUCATION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Ms. Ervin, Mr. Johnson, and Mr. Romero were not at the table:

WHEREAS, On February 13, 2001, the Board of Education approved a curriculum policy that guides the development, implementation, and monitoring of curricula throughout the school system; and

WHEREAS, Draft curriculum frameworks were developed in the areas of Art, General/Choral Music, Instrumental Music, and Physical Education; and

WHEREAS, The draft curriculum frameworks were shared with stakeholder groups; and

WHEREAS, Feedback and input from stakeholders have been used to develop and refine the draft curriculum frameworks; now therefore be it

Resolved, That the Board of Education approve the MCPS Art, General/Choral Music, Instrumental Music, and Physical Education curriculum frameworks as the foundation for the development of curriculum blueprints and instructional guides.

**Re: CURRICULUM FRAMEWORKS – HEALTH**

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

WHEREAS, On February 13, 2001, the Board of Education approved a curriculum policy that guides the development, implementation, and monitoring of curricula throughout the school system; and

WHEREAS, A draft health education curriculum framework was developed; and

WHEREAS, Feedback and input from stakeholders including the Citizens Advisory Committee for Family Life and Human Development have been used to develop and refine the Montgomery County Public Schools curriculum framework for health education; now therefore be it

Resolved, That the Board of Education approve the MCPS health education curriculum framework as the foundation for the development of curriculum blueprints and instructional guides.

**Re: DISCUSSION**

Mr. Abrams asked about the numbering and the headings of Healthy Relations or Stereotyping and Sexual Identity. Ms. Leleck replied that the numbering system is established by the state. Mr. Abrams noted that items were added, and he asked whether categories could also be added. Ms. Brown replied that health educators in Grade 8

wanted to emphasize how people relate and respect each other, and it is analogous with this category.

Mr. Romero noted that there was a suggestion from the Citizens Advisory Committee to add marriage and family responsibilities. What was the rationale for not adding these topics? Ms. Leleck replied that the responsibilities were covered, and there was no need to repeat in this section. When the curriculum is written, there will be opportunities for discussions and lessons. COMAR stated that marriage must be included.

Ms. Cox asked why the framework does not include the state law requirements. When and where will this information appear in the curriculum? Ms. Leleck replied that the comprehensive curriculum lessons will be written and there will be a determination where to place these items. Ms. Cox disagreed, and she thought the state requirements should be outlined in the framework.

Ms. Cox noted that in health education there should be a reference to healthy choices. When the definitions are revised and amended, she asked to consider that item. Also, she noted the definition on sexual behavior, but there is nothing in the glossary that defines sexual activity, behavior, or intercourse. There will have to a discussion on healthy and appropriate behaviors.

**RESOLUTION NO. 215-06Re: CURRICULUM FRAMEWORKS – HEALTH**

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

WHEREAS, On February 13, 2001, the Board of Education approved a curriculum policy that guides the development, implementation, and monitoring of curricula throughout the school system; and

WHEREAS, A draft health education curriculum framework was developed; and

WHEREAS, Feedback and input from stakeholders including the Citizens Advisory Committee for Family Life and Human Development have been used to develop and refine the Montgomery County Public Schools curriculum framework for health education; now therefore be it

Resolved, That the Board of Education approve the MCPS health education curriculum framework as the foundation for the development of curriculum blueprints and instructional guides.

Re: **UPDATE ON THE NORTHEAST CONSORTIUM  
STUDENT ASSIGNMENT PROCESS**

Dr. Weast invited the following people to the table: Ms. Susan Marks, community superintendent in the Office of School Performance; Mr. Erick Lang, director of the Department of Enriched and Innovative Programs; Mr. Larry Hansch, director of the Division of Consortia Choice and Application Program Services; and Ms. Judith Bresler, general counsel.

Dr. Weast said that the purpose of this discussion was to provide an update on the Northeast Consortium (NEC) student assignment process. The NEC structure allows resident Grade 8 students to select one of three schools: James Hubert Blake High School, Paint Branch High School, or Springbrook High School. On January 17, 2006, Round 1 of the 2006–2007 student assignment process was completed. The assignment process this year was affected by three factors. First, the number of seats for Grade 9 at Blake was reduced for the 2006–2007 school year due to overcrowding. Because Blake is the most frequently requested first-choice school, this reduced the number of students receiving their first choice.

Second, “ever” Free and Reduced-price Meals System (FARMS) status was considered for the first time as a factor in the student assignment process, in accordance with the Board of Education’s resolution of September 13, 2005. Third, an interpretation of the original resolution establishing the school choice student assignment process led to the assignment of 47 Paint Branch base area students to their third choice of Springbrook High School. Consequently, parents and NEC PTSA leadership raised concerns regarding the number of students assigned to their third choice high school. These concerns were raised following the mailing of student assignment letters in February. A subsequent internal review and reevaluation of the resolution language resulted in an opportunity for the 47 students to request reassignment to their base area school, Paint Branch.

Eighty-five percent, or more than 1,000, of the students received their first choice high school assignment in Round 1 for the 2006–2007 school year. Sixty-one private school students participated in the choice process, indicating a high interest among private school parents in the unique programs offered by the NEC high schools.

Re: **DISCUSSION**

Ms. Ervin asked if the Board would see the student demographics of those who chose Blake as their first choice. How is the middle school magnet consortium the same as the NEC or the Downcounty Consortium (DCC)? Mr. Lang said there are three middle schools that are geographically located with no base areas. In addition, those outside the consortium can select these schools for a select number of seats. Ms. Ervin noted that each consortium is different and cannot be compared.

Ms. Ervin wanted to know why the consortium was developed in the first place. Why could there not be neighborhood schools and make the schools as strong as possible? Having a large number of children of color, such as at Parkland Middle School, does not mean that

the school is deficient. It can be extraordinary. There is the notion that there must be a mixing of populations or the school cannot work. Therefore, the system is creating ill will in the community when students cannot get their first choice. She thought all of this was not necessary. The situation in the NEC is that Sherwood High School opted out, and in the DCC, Bethesda Chevy Chase High School opted out. If the desire is to have a mixture of demographics, the higher socioeconomic schools have to be in the equation. The system always comes back to diversity as a problem, but great schools operate in communities where the schools are all African American.

Mrs. Navarro was pleased with the presentation that put everyone on the same page. There are a lot urban myths and interpretations within the community. It is important for the Board to have data in their communication with parents. The parents express frustration because they did not know there was to be a cap on enrollment at Blake. How was that handled in the process? How is the study circle handing these issues? When will there be a report? There is a discussion in the community on whether the consortium is needed. Ms. Marks replied that the change in the process was communicated in the information meetings and mailings; however, communication could be improved. In the informational meetings next year, first-choice data will be shared with parents and students. The study circle is beginning and will end around June 1, and the information will be communicated to the Board after June 8, 2006.

Mr. Abrams noted that there has been an assumption based on "Jerry's Kids" who will be followed through middle and high school. When is the appropriate time to raise the issue of the virtue or perceived virtue of a consortium approach as opposed to an optimization approach on resources following needs to assure achievement? Dr. Weast remarked that the system must stay with the reform model for 12 years. Prior boards dealt with school overcrowding and poverty by using boundaries, consortia, and magnets. Since many tools have been taken off the table, the system has differentiated resources based on socioeconomic need.

Mrs. O'Neill asked if the International Baccalaureate Program at Springbrook was opened to Sherwood's students. Ms. Marks replied that was correct and about 10 students have enrolled in the program.

Mrs. Navarro asked when the Board decided to do that. Mr. Bowers replied that staff informed the Board that this was being done. Mrs. Navarro wanted to find out when the discussion took place.

Ms. Cox stated that she was not on the Board when the consortium was created. It was not designed for the purpose of balancing demographics, and she did not judge its success on that basis. The purpose of the consortium was to improve academic programs. The concept of choice gave the staff more ownership over the development of the programs and creation of classes. The staff would be working with students who chose to study the

specific curriculum. She would judge the success of the consortium on whether or not students were engaged and are successful with a vision for their futures.

Mrs. Navarro pointed out that middle school reform is essential to continue the gains made by those who have had the benefit of the early childhood reform. Then, these students will be ready for high school and the consortium will no longer be needed.

Ms. Ervin thought there was a need for more data to ascertain if the programs are successful and achieving the intended goal. Mr. Haughey agreed, and he thought the Research and Evaluation Committee should look into this subject.

**RESOLUTION NO. 216-06Re: CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Cox 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, May 9, 2006, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:15 to 2:00 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. 217-06Re: REPORT OF CLOSED SESSION**

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

On March 27, 2006, 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 March 27, 2006, from 6:00 to 7:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeal with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2006-9. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
2. 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*): 2005-45 and 2006-10.
3. Discussed the Human Resources Monthly Report 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 session were: Steve Abrams, Larry Bowers, Patrick Clancy, Sharon Cox, Valerie Ervin, Roland Ikheloa, Richard Hawes, Sebastian Johnson, Heather Klink, George Margolies, Mark Muedeking, Nancy Navarro, Patricia O'Neill, Lori Rogovin, Gabe Romero, Glenda Rose, and Jerry Weast.

On April 3, 2006, 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 April 3, 2006, from 7:25 to 8:55 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.

In attendance at the closed session were: Steve Abrams, Patrick Clancy, Sharon Cox, Susanne DeGraba, Valerie Ervin, Wes Girling, Charles Haughey, Kenneth Hoffman, Sebastian Johnson, John Kevin, Heather Klink, George Margolies, Mark Muedeking, Nancy Navarro, Patricia O'Neill, Brian Porter, Gabe Romero, Glenda Rose, and Jerry Weast.

RESOLUTION NO. 218-06Re: **MINUTES**

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

Resolved, That the Board of Education approve its minutes of the following meetings – January 10, January 25, January 26, and February 14, 2006.

RESOLUTION NO. 219-06Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session, and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article*; now therefore be it

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

<u>Appeal Number</u>	<u>Type</u>
T-2006-2	Student Transfer
T-2006-3	Student Transfer
T-2006-4	Student Transfer
T-2006-8	Student Transfer
T-2006-9	Student Transfer
T-2006-10	Student Transfer
T-2006-11	Student Transfer
T-2006-17	Student Transfer
2005-33	Teacher Dismissal
2005-45	Student Expulsion
2006-10	Student Discipline

RESOLUTION NO. 220-06Re: **PORTABLE COMMUNICATION DEVICES**

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

WHEREAS, On October 16, 2001, the Superintendent submitted to the Board of Education a draft of Regulation COG-RA (Portable Communication Devices), at which time the Board of Education voted to endorse it but resolved that its impact would be reviewed at the conclusion of the 2001-2002 school year to determine whether any modification may be necessary; and

WHEREAS, On July 25, 2002, upon submission of a revised Regulation COG-RA by the Superintendent, the Board voted to support the proposed draft as amended by the Board; and

WHEREAS, During the subsequent four years, questions have been raised as to the necessity of treating middle school students differently than high school students insofar as middle school students currently are required to obtain a waiver in order to possess a portable communication device in school, notwithstanding the requirement that it must be turned off at all times during the official instructional day; now therefore be it

Resolved, That the Board of Education schedule a discussion at a Board meeting, to be held no later than the evening meeting in June 2006, to address the efficacy of the current practice for middle school students and consider at that time whether to give further guidance to the superintendent as to portable communication devices.

Re: **NEW BUSINESS**

On motion of Mr. Abrams and seconded by Ms. Cox, the following new business item was placed on the table:

Resolved, That the Board of Education solicit an opinion from the Attorney General of the State of Maryland regarding the jurisdiction of the Inspector General of Montgomery County.

RESOLUTION NO. 221-06Re: **LAY-OVER POLICY WAIVER**

On motion of Mr. Abrams and seconded by Ms. Cox, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mr. Johnson, and Mr. Romero voting in the affirmative; Ms. Ervin, Mrs. O'Neill, and Mrs. Navarro voting in the negative:

Resolved, That the Board of Education grant a waiver from the usual policy of the new business resolution laying on the table until the next business meeting.

RESOLUTION NO. 222-06Re: **SOLICIT AN OPINION FROM THE ATTORNEY GENERAL**

On motion of Mr. Abrams and seconded by Ms. Cox, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Johnson voting in the negative; Ms. Ervin and Mrs. Navarro were not at the table:

Resolved, That the Board of Education solicit an opinion from the Attorney General of the State of Maryland regarding the jurisdiction of the Inspector General of Montgomery County.

Re: **ITEMS OF INFORMATION**

The following information was available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 223-06Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of April 20, 2006, at 5:40 p.m.

PRESIDENT

SECRETARY

JDW:gr

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April 20, 2006

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