

APPROVED  
21-2009

Rockville, Maryland  
August 27, 2009

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on Thursday, August 27, 2009, at 1:00 p.m.

Present: Mrs. Patricia O'Neill, Vice President  
in the Chair  
Mr. Christopher Barclay  
Ms. Laura Berthiaume  
Dr. Judy Docca  
Mr. Michael Durso  
Mr. Timothy Hwang  
Mr. Philip Kauffman  
Dr. Jerry Weast, Secretary/Treasurer

Absent: Ms. Shirley Brandman

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

RESOLUTION NO. 367-09Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Ms. Berthiaume, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on August 27, 2009, in Room 120 from 9:30 a.m. to 12:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Human Resources Monthly Report and Appointment as permitted under Section 10-508(a)(1) of the *State Government Article* with a subsequent vote in open session; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on August 27, 2009, to acquit its administrative functions (select recipients of the Distinguished Service Awards, make appointments to Maryland Association of Boards of Education Committees, and discuss appropriate action regarding a recent State Board of Education decision) and receive legal advice 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.

Re: **LUNCH**

The Board of Education recessed for lunch from 12:00 to 1:00 p.m.

Re: **PLEDGE OF ALLEGIANCE**

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

RESOLUTION NO. 368-09Re: **APPROVAL OF THE AGENDA**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approves its agenda for August 27, 2009.

Re: **PUBLIC COMMENTS**

The following people spoke to the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Elizabeth King	Growth Policy
2. Steven Phillips	Growth Policy
3. Sabrina Flores	Budget
4. Susan Boehlert	Math Curriculum
5. Bruce Hawkins	Boundary Study Sligo Creek Elementary School
6. Jim Humphrey	Growth Policy

Re: **BOARD/SUPERINTENDENT COMMENTS**

Ms. Berthiaume welcomed everyone back as the new school year approaches. She encouraged everyone to attend the Back-to-School Fair. She attended an event with county leaders regarding Latino youth and the pressures they face.

Dr. Docca commented on the functions she attended, such as (1) Arts on the Block in Wheaton; (2) International Student Admissions Office open house; (3) summer school graduation; (4) Race Relations Panel at Smithville Center sponsored by the Southern Christian Leadership Conference and the Montgomery County Human Rights Commission; (5) Everything Rockville, which was a cluster outreach; and (6) the national Southern Christian Leadership Conference in Memphis.

Mr. Barclay commented on the artificial turf at Montgomery Blair High School, which is shared with Park and Planning.

Ms. O'Neill thanked Esther Gelman, founder of the MCPS Education Foundation, which has awarded \$225,000 in scholarships this year.

Dr. Weast commented on (1) Leading for Equity; (2) Back-to-School Fair; (3) economic crisis and the school system; and (4) Capital Improvements Program supported by bonds.

RESOLUTION NO. 369-09Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

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

WHEREAS, Funds have been budgeted and/or identified for the purchase of off-the-lot, new vehicles through Montgomery County Bid No. 7507000445; and

WHEREAS, The acquisition of off-the-lot, new vehicles through lease/purchase agreements has been reviewed by legal counsel; now therefore be it

Resolved, That off-the-lot, new vehicles in the amount of \$132,902 be lease/purchased for a five-year term under the Master Lease/Purchase Agreement with First Southwest Leasing Company; and be it further

Resolved, That off-the-lot, new vehicles in the amount of \$19,972 be lease/purchased for a three-year term under the Master Lease/Purchase Agreement with First Southwest Leasing Company; and be it further

Resolved, That off-the-lot, new vehicles in the amount of \$44,901 be lease/purchased for a five-year term under the Master Lease/Purchase Agreement with First Southwest Leasing Company; and be it further

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

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

021808-SP Copier, Printer, Facsimile, and Related Office Equipment and Accessories

<u>Awardee</u> Sharp Electronics Corporation	\$ 75,000
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7507000445 Off-the-lot, New Vehicles

	<u>Awardees</u>	
	Criswell	\$119,296
	Lindsay Ford, LLC	<u>78,479</u>
	Total	\$197,775
GS-35F-0765R	Information Technology Equipment, Software, and Services	
	<u>Awardee</u>	
	Netcom Technologies, Inc.	\$836,125
PA-58-2008	Scoreboards/Signs	
	<u>Awardee</u>	
	Daktronics	\$100,000
RQ07-912944-57	Musical Instruments	
	<u>Awardee</u>	
	Washington Music Sales Center, Inc.*	\$ 27,584
RQ0893478222A	Preventative Maintenance Chillers—Extension	
	<u>Awardee</u>	
	Boland Trane Services	\$150,000
1056.2	Unemployment Insurance Cost Control Program—Extension	
	<u>Awardee</u>	
	Unemployment Tax Service, Inc.	\$ 25,000
1086.3	Third Party Billing Services for Students with Disabilities	
	<u>Awardee</u>	
	Dawkins Medical Management*	\$150,000
4091.6	Art and School Papers	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 22,327
	DGS Educational Products*	54,878
	Integrity School Supplies*	186,870
	Kurtz Brothers	4,459
	Pyramid School Products	42,418

	School Specialty	<u>1,840</u>
	Total \$312,792	
4095.4	Lamps—Extension	
	<u>Awardees</u>	
	C. N. Robinson Lighting Supply Company	\$ 91,598
	Light Bulbs Etc., LLC	1,799
	Scott Electric	5,864
	Stokit Supply Company, Inc.	4,349
	Vehicle Maintenance Program, Inc.*	1,799
	Video Service of America, VSA, Inc.	<u>33,886</u>
	Total	\$139,295
4205.1	Applicant Tracking and Recruiting and Implementation Services	
	<u>Awardee</u>	
	Taleo Corporation	\$ 71,000
4250.1	Pepco Energy Services Consultant—Extension	
	<u>Awardee</u>	
	South River Consulting	\$ 84,000
4260.1	Social Work Services for Students in Alternative Programs	
	<u>Awardee</u>	
	Family Support Center	\$215,000
4263.1	Digital Hearing Systems	
	<u>Awardee</u>	
	Phonak, LLC	\$100,000
4264.1	Special Education Operations Services	
	<u>Awardee</u>	
	Maryland School for the Blind	\$ 60,000
4265.1	Americorps/Project Change	
	<u>Awardee</u>	
	George B. Thomas, Sr. Learning Academy, Inc.	\$ 86,000
4266.1	Docutech 6135 Copier Maintenance	

	<u>Awardee</u> Xerox Corporation	\$287,394
4267.1	USDA Food Program	
	<u>Awardee</u> House of Raeford	\$ 45,000
4268.1	Distance Learning Enrollment	
	<u>Awardee</u> Class.com	\$ 35,000
4269.1	Consultant for the MCPS Hispanic Community	
	<u>Awardee</u> Spanish Speaking Community of Maryland, Inc.	\$ 27,800
4270.1	Study Circles Program Consultant	
	<u>Awardee</u> Ruby Rubens	\$ 30,000
4271.1	Professional and Supporting Services Training	
	<u>Awardee</u> Research for Better Teaching	\$172,800
7143.1	Online Content Management System for Teachers	
	<u>Awardee</u> Blackboard, Inc.	\$ 43,200
7194.1	Projectors for Classrooms and Auditoriums	
	<u>Awardees</u> CDW Government, Inc.	\$ 41,667
	Nicholas P. Pipino Associates, Inc.	<u>27,360</u>
	Total	\$ 69,027
9028.3	Tree Removal Service—Extension	
	<u>Awardees</u> (See note) Mead Tree & Turf Care, Inc.	

	Takoma Tree Experts, Inc. Total	\$300,000
9212.1	Cooperative Purchase of Road De-icing Salt—Supplement	
	<u>Awardee</u> Montgomery County, Maryland	\$100,000
9398.2	Retaining Walls and Stormwater Management Modifications—Supplement**	
	<u>Awardee</u> Walker Willis/T/A Custom Masonry	\$ 600,000
9567.1	Chicken, Cooked/Frozen	
	<u>Awardees</u> Ling's* Midas Foods International Pilgrims Pride Corporation Total	\$ 252,470 10,295 <u>112,500</u> \$ 375,265
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$4,715,057

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

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

RESOLUTION NO. 370-09Re: **ARCHITECTURAL APPOINTMENT –  
DOWNCOUNTY CONSORTIUM  
ELEMENTARY SCHOOL #29**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the reopening of the Downcounty Consortium Elementary School #29 (McKenney Hills Center); and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$21,500,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2010 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Grimm + Parker Architects as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the necessary architectural and engineering services that includes a Maryland Department of Transportation-certified minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grimm + Parker Architects to provide professional architectural and engineering services for the reopening of the Downcounty Consortium Elementary School #29 (McKenney Hills Center) for a fee of \$1,300,000.

RESOLUTION NO. 371-09Re:    **ARCHITECTURAL APPOINTMENT –  
GAITHERSBURG HIGH SCHOOL  
MODERNIZATION PROJECT**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Gaithersburg High School modernization project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$92,000,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2010 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Samaha Associates, Inc. as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the necessary architectural and engineering services that includes a Maryland Department of Transportation-certified minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Samaha Associates, Inc. to provide professional architectural and engineering services for the Gaithersburg High School modernization project for a fee of \$4,099,897.

RESOLUTION NO. 372-09Re: **ARCHITECTURAL APPOINTMENT –  
HERBERT HOOVER MIDDLE SCHOOL  
MODERNIZATION PROJECT**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Herbert Hoover Middle School modernization project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$39,000,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2010 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Moseley Architects as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the architectural and engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Moseley Architects to provide professional architectural and engineering services for the Herbert Hoover Middle School modernization project for a fee of \$2,144,541.

RESOLUTION NO. 373-09Re: **ARCHITECTURAL APPOINTMENT –  
ROLLING TERRACE ELEMENTARY  
SCHOOL – SCHOOL-BASED HEALTH  
CENTER ADDITION PROJECT**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Rolling Terrace Elementary School School-based Health Center addition project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$1,400,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2010 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Smolen-Emr + Associates Architects as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the necessary architectural and engineering services that includes two Maryland Department of Transportation-certified minority-owned firms; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Smolen-Emr + Associates Architects to provide professional architectural and engineering services for the Rolling Terrace Elementary School School-based Health Center addition project for a fee of \$180,000.

RESOLUTION NO. 374-09Re:     **ARCHITECTURAL APPOINTMENT –  
WESTBROOK ELEMENTARY SCHOOL  
ADDITION FEASIBILITY STUDY**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a feasibility study for an addition to Westbrook Elementary School; and

WHEREAS, Funds for this feasibility study were programmed as part of the FY 2010 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Muse Architects, PC, as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for these services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Muse Architects, PC, to provide professional architectural and engineering services for the Westbrook Elementary School addition feasibility study for a fee of \$35,000.

RESOLUTION NO. 375-09Re: **TRANSFER OF FUNDS**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, The current balance in the unliquidated surplus account is \$801,000; and

WHEREAS, Staff has identified surplus funds in the following projects:

<u>Project</u>	<u>Amount</u>
Bethesda-Chevy `Chase High School Addition	\$755,000
Poolesville High School Addition	\$556,068

and

WHEREAS, Toll Brothers, Inc. is entitled to a \$430,785 reimbursement for the roadway and stormwater management improvements adjacent to the Rocky Hill Middle School replacement project in accordance with the agreement signed June 2002; and

WHEREAS, The deficit for the Roscoe R. Nix Elementary School project is \$1,681,282 after settlement of the claim with the architect for the project; now therefore be it

Resolved, That the Montgomery County Board of Education request the County Council to transfer to the unliquidated surplus account funds from the following projects:

<u>Project</u>	<u>Amount</u>
Bethesda Chevy-Chase High School Addition	\$ 755,000
Poolesville High School Addition	\$ 556,068

and be it further

Resolved, That the Montgomery County Board of Education request the County Council to transfer \$2,112,067 in the unliquidated surplus account to the following projects to reimburse Toll Brothers, Inc. for roadway and stormwater management improvements adjacent to the Rocky Hill Middle School replacement project and fund the deficit in the Roscoe R. Nix Elementary School project:

<u>Project</u>	<u>Amount</u>
Stormwater Management	\$ 430,785
Roscoe R. Nix Elementary School	\$ 1,681,282

and be it further

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

RESOLUTION NO. 376-09Re: **UTILIZATION OF THE FY 2010 PROVISION  
FOR FUTURE SUPPORTED PROJECTS  
FUNDS**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, The above-noted grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 16-971, approved May 21, 2009; and

WHEREAS, The above-noted projects do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2010 Provision for Future Supported Projects, to permit the above-noted transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend \$653,378 within the FY 2010 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions*</u>	<u>Amount</u>
National Defense Education Program (NDEP)		\$ 22,574
Learn and Serve America		7,828
Individuals with Disabilities Education Act (IDEA)— Early Intervention		151,259
Bridge Lawn Care		15,000
IDEA—Alternate Maryland School Assessment		20,000
Head Start		105,456
American Indian Education Program		1,395
IDEA—High School Assessments	<u>3.0</u>	<u>329,866</u>
 Total	 <u>3.0</u>	 <u>\$ 653,378</u>

Positions\*  
3.0 teachers

and be it further

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

\*\*\* Dr. Docca and Ms. Berthiaume temporarily left the meeting.

RESOLUTION NO. 377-09Re: **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approves the Human Resources Monthly Report dated August 27, 2009.

RESOLUTION NO. 378-09Re: **APPOINTMENT**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective August 28, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Timothy O'Connor	Technology consultant	Coordinator of Special Initiatives

\*\*\* Ms. Berthiaume and Dr. Docca rejoined the meeting.

Re: **READINESS FOR OPENING SCHOOLS**  
(ORAL)

The Board heard presentations and discussed the school system's readiness for the opening of schools. On the first day of school, approximately 142,000 students will be greeted by more than 11,500 teachers—about 550 of them new to the school system this year. The new William B. Gibbs, Jr. Elementary School this year brings the total number of MCPS schools to 200—131 elementary, 38 middle, 25 high and six special schools. These and other major capital projects completed during the summer add 439,930 square feet of new and renovated space to MCPS facilities. The first day of school for students is Monday, August 31.

Staff brought to the attention of the Board the challenges in the MSA results. Mr. Barclay requested periodic updates on the MSA, AYP, and AMO. Mr. Bedford agreed to come to the Board with longitudinal tracking of students regarding MSA, AYP, and AMO. Ms. Berthiaume asked for, and Mr. Bedford agreed to provide, an analysis of by exactly how much MCPS missed AYP at each one of the 12 middle schools.

Re: **MYMCPS PORTAL DEMONSTRATION**

Dr. Weast invited the following people to the table: Mr. Stephen L. Bedford, chief school performance officer; Mr. Sherwin A. Collette, chief technology officer; Dr. Michael J. Doran, principal, Thomas S. Wootton High School; and Ms. Rose Ann Schwartz, staff development

teacher, Kensington Parkwood Elementary School.

Montgomery County Public Schools (MCPS) has developed an innovative web-based system, *myMCPS*, that simplifies access to data and information, provides a structure for online curriculum and multimedia resources, and facilitates districtwide staff collaboration and sharing of best practices. With the consolidation of disparate data systems into a comprehensive portal, MCPS staff now has a one-stop location to access a variety of pertinent information. The result is a savings in time and money, greater support for teaching and learning, and a more streamlined process for making decisions. The update provided a demonstration of how technologies similar to those used in popular social networking sites are being integrated with analytical and decision-support technologies to facilitate a professional learning community in which staff work collaboratively to strengthen teaching and meet the educational needs of our students.

The *myMCPS* portal offers an integrated, personalized web environment for staff, students, and parents that provides timely, accurate, consistent, and reliable access to data. Staff no longer needs to rely on disparate systems to retrieve information. By eliminating the use of multiple external systems, MCPS can budget resources more effectively. In addition to the licensing cost of those retired systems, the school system has reduced the number of data manipulations, processing, formatting, and transmissions to external vendors. Efforts also have been made to reduce and contain costs through the integration and publishing of curriculum documents, professional development content, and multimedia resources through the *myMCPS* portal rather than relying primarily on the production of printed materials.

Re: **DISCUSSION**

Board members thanked staff for the presentation, and they were very impressed with *myMCPS*. Mr. Barclay was interested in a follow-up in six months or so regarding what is working or not working with *MyMCPS*.

Re: **2009 COUNTY GROWTH POLICY REVIEW**

On recommendation of the superintendent and on motion of Mr. Kauffman seconded by Mr. Barclay, the following resolution was placed on the table:

WHEREAS, A comprehensive review of the County Growth Policy has been conducted over the past several months and this review has included consideration of alternative approaches to the role of the growth policy as it pertains to schools; and

WHEREAS, The Montgomery County Planning Board's recommended 2009 County Growth Policy school test continues to incorporate the use of the Montgomery County Public Schools' program capacity as the appropriate measure of school adequacy that aligns with Montgomery County Public Schools facility planning and capital programming; and

WHEREAS, The Montgomery County Planning Board's recommended 2009 County Growth Policy school test establishes a school facilities payment in cases in which cluster school utilizations exceed 110 percent and creates a residential moratorium where cluster school utilizations exceed 120 percent; now therefore be it

Resolved, That the Board of Education supports the Planning Board recommendations for the Growth Policy school test, including the use of Montgomery County Public Schools' program capacity as the basis for calculations used for imposition of the school facilities payment (when cluster facility utilization exceeds 110 percent) and imposition of a moratorium (when cluster facility utilization exceeds 120 percent); and be it further

Resolved, That the Board of Education supports the Planning Board recommendations for calculation of the school facilities payment; and be it further

Resolved, That the Board of Education requests that the County Council place the school facility payment revenue in the general fund and not in separate funds that apply to the cluster in which it is collected; and be it further

Resolved, That the Board of Education supports the Planning Board recommendation for "grandfathering" completed subdivision applications for one year prior to a cluster going into moratorium; and be it further

Resolved, That the Board of Education supports the Planning Board recommendation for a *de minimis* exemption from the school test of three or fewer housing units; and be it further

Resolved, That the Board of Education opposes the Planning Board recommendation for the trading of subdivision approvals in clusters that are in moratorium; and be it further

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

Resolved, That a copy of this resolution be forwarded to mayors and councils of Montgomery County municipalities.

RESOLUTION NO. 379-09Re: **AN AMENDMENT TO THE 2009 GROWTH  
POLICY REVIEW**

On motion of Mrs. O'Neill and seconded by Ms. Berthiaume, the following resolution was adopted unanimously by those present:

Resolved, That the Board of Education **strongly** opposes the Planning Board recommendation for the trading of subdivision approvals in clusters that are in moratorium; and be it further

RESOLUTION NO. 380(a)-09 Re: **TRANSMITTAL STATEMENT**

On motion of Mrs. O'Neill and seconded by Ms. Berthiaume, the following resolution was adopted by members present:

Resolved, That the Board of Education include in a letter of transmittal a statement about the importance of relieving overcrowding by construction or modernization in schools by increasing Spending Affordability Guidelines and generate funding through bonds at a time when interest rates favor borrowing.

RESOLUTION NO. 380-09Re: **2009 COUNTY GROWTH POLICY REVIEW**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted Mr. Barclay, Ms. Berthiaume, Dr. Docca, Mr. Durso, Ms. Hwang, and Mrs. O'Neill, voting in the affirmative; Mr. Kauffman voting in the negative:

WHEREAS, A comprehensive review of the County Growth Policy has been conducted over the past several months and this review has included consideration of alternative approaches to the role of the growth policy as it pertains to schools; and

WHEREAS, The Montgomery County Planning Board's recommended 2009 County Growth Policy school test continues to incorporate the use of the Montgomery County Public Schools' program capacity as the appropriate measure of school adequacy that aligns with Montgomery County Public Schools facility planning and capital programming; and

WHEREAS, The Montgomery County Planning Board's recommended 2009 County Growth Policy school test establishes a school facilities payment in cases in which cluster school utilizations exceed 110 percent and creates a residential moratorium where cluster school utilizations exceed 120 percent; now therefore be it

Resolved, That the Board of Education supports the Planning Board recommendations for the Growth Policy school test, including the use of Montgomery County Public Schools' program capacity as the basis for calculations used for imposition of the school facilities payment (when cluster facility utilization exceeds 110 percent) and imposition of a moratorium (when cluster facility utilization exceeds 120 percent); and be it further

Resolved, That the Board of Education supports the Planning Board recommendations for calculation of the school facilities payment; and be it further

Resolved, That the Board of Education requests that the County Council place the school facility payment revenue in the general fund and not in separate funds that apply to the cluster in which it is collected; and be it further

Resolved, That the Board of Education supports the Planning Board recommendation for “grandfathering” completed subdivision applications for one year prior to a cluster going into moratorium; and be it further

Resolved, That the Board of Education supports the Planning Board recommendation for a *de minimis* exemption from the school test of three or fewer housing units; and be it further

Resolved, That the Board of Education **strongly** opposes the Planning Board recommendation for the trading of subdivision approvals in clusters that are in moratorium; and be it further

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

Resolved, That a copy of this resolution be forwarded to mayors and councils of Montgomery County municipalities.

RESOLUTION NO. 381-09Re: **NAMING THE FORMER MARK TWAIN FACILITY**

On motion of Mrs. O’Neill seconded by Ms. Berthiaume, the following resolution was adopted unanimously by members present:

WHEREAS, The superintendent of schools has requested that the Board of Education consider naming the former Mark Twain facility to reflect its current use as a site for Alternative Programs; and

WHEREAS, Policy FFA, *Naming School Facilities*, provides for the Board to develop a list of up to four names to be given to a school naming committee, which shall recommend, in priority order, its preference from among the list of names provided by the Board of Education and up to two additional names recommended by the committee; and

WHEREAS, Pursuant to Policy FFA, the final responsibility for officially naming a school building rests with the Board of Education; now therefore be it

Resolved, That the Board of Education hereby submits the following name for consideration by the school naming committee:

Blair G. Ewing Center for Alternative Programs

RESOLUTION NO. 382-09Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Ms. Berthiaume, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Tuesday, September 8, 2009, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 to 1:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and to discuss matters of an administrative 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. 383-09Re: REPORT OF CLOSED SESSION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Ms. Berthiaume, the following resolution was adopted unanimously by members present:

On July 27, 2009, by unanimous vote, the Board of Education voted to conduct a closed session as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on July 27, 2009, from 5:30 to 7:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Unanimously approved Decisions and Orders in Appeals T-2009-12, T-2009-13, T-2009-14, T-2009-15, T-2009-16, T-2009-17, NEC-2009-18, 2009-9, 2009-10, and 2009-11 in its quasi-judicial capacity outside the purview of the *Open Meetings Act* (Section 10-503(a) of the *State Government Article*).
2. Reviewed and considered the following appeals 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*): T-2009-19, T-2009-20, T-2009-22, DCC-2009-23, DCC-2009-24, 2009-12, 2009-13, 2009-14, 2009-15, 2009-16, and 2009-17.
3. Discussed the Human Resources Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Discussed matters of an administrative function (strategy for financing the budgets and a legal option regarding a State Board decision) 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 Bedford, Laura Berthiaume, Shirley Brandman, Judy Bresler, Pat Clancy, Judy Docca, Michael Durso, Brian Edwards, Tim Hwang, Roland Ikheloa, Phil Kauffman, Suzann King, Frieda Lacey, Susan Marks, Patricia O'Neill, Glenda Rose, Laura Steinberg, and Jerry Weast.

RESOLUTION NO. 384-09Re: **MINUTES**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Ms. Berthiaume, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes for June 9, 26, and July 1, 2009.

RESOLUTION NO. 385-09Re: **APPEALS**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Ms. Berthiaume, the following resolution was adopted unanimously by members present:

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

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

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
T-2009-27	Student Transfer	Affirmed
NEC-2009-28	Student Assignment	Affirmed
T-2009-29	Student Transfer	Affirmed in Part/ Reversed in Part
T-2009-30	Student Transfer	Affirmed
2009-12	Reconsideration	Denied
2009-18	Alternative Placement	Affirmed
2009-19	Early Entrance to Kindergarten	Affirmed
2009-20	Early Entrance to Kindergarten	Affirmed
2009-21	Alternative Placement	Affirmed
2009-26	Early Entrance to Kindergarten	Affirmed

Re: **COMMITTEE UPDATES (IF NEEDED)**

There were no committee updates.

Re: **NEW BUSINESS**

Re: **ITEMS OF INFORMATION**

The following documents were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-owned Business Procurement Report for the Fourth Quarter of Fiscal Year 2009

RESOLUTION NO. 386-09Re: **ADJOURNMENT**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of August 27, 2009, at 5:10 p.m.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SECRETARY

JDW:gr

RESOLUTION	BARCLAY	BERTHIAUME	BRANDMAN	DOCCA	DURSO	HWANG	KAUFFMAN	O'NEILL
2009 County Growth Policy Review	A	A	AB	A	A	A	O	A
Naming Mark Twain Facility	A	A	AB	A	A	A	A	A

AB = absent; A = Approved; O = Opposed

**MONTGOMERY COUNTY BOARD OF EDUCATION**

# SUMMARY SHEET

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