

APPROVED
22-2009

Rockville, Maryland
September 8, 2009

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, September 8, 2009, at 10:10 a.m.

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

Absent: None

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

RESOLUTION NO. 386-09Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, 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 September 8, 2009, in Room 120 from 9:00 to 10:00 a.m. and 12:00 to 1:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Human Resources Monthly Report 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 September 8, 2009, to acquit its administrative functions 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.

RESOLUTION NO. 387-09Re: **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. 388-09Re: **APPROVAL OF THE AGENDA**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for September 8, 2009.

RESOLUTION NO. 389-09Re: **HISPANIC HERITAGE MONTH**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:

WHEREAS, 2009 is the 21st anniversary of a joint resolution by the United States Congress proclaiming the period of September 15 through October 15 as National Hispanic Heritage Month; and

WHEREAS, Hispanic Americans or Latinos are the fastest growing minority in the United States and currently represent 22.1 percent of the overall enrollment of Montgomery County Public Schools; and

WHEREAS, Montgomery County Public Schools recognizes and honors our Hispanic Americans or Latino students, staff members, businesses, and community leaders who by their hard work, vision, and achievements are creating a better tomorrow for our students; and

WHEREAS, Hispanic Americans or Latinos have contributed significantly to the growth and development of the country through their distinguished leadership in the fields of science, medicine, education, law, government, religion, the arts, and the humanities; and

WHEREAS, Hispanic American or Latino students increased their participation in Advanced Placement exams from 696 students taking at least one Advanced Placement exam in 2007 to 742 students taking at least one Advanced Placement exam in 2008; now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools hereby declare September 15 to October 15, 2009, as “Hispanic Heritage Month.”

RESOLUTION NO. 390-09Re: **MCPS–U.S. CENSUS PARTNERSHIP AGREEMENT**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by

Mr. Barclay, the following resolution was adopted unanimously:

WHEREAS, The U.S. Census documents a count of everyone living in the United States—in all 50 states, the District of Columbia, Puerto Rico, and the Island Areas—every 10 years as mandated by the U.S. Constitution; and

WHEREAS, Participation to help ensure an accurate count is important because the federal government allocates approximately \$300 billion annually to states and communities based, in part, on Census data; and

WHEREAS, Census data guide local decision makers in important community planning efforts, including where to build new roads, hospitals, and schools; and

WHEREAS, Census data determine how many seats each state will have in the U.S. House of Representatives, as well as inform the redistricting of state legislatures, and the proportion and size of county and city councils and voting districts; and

WHEREAS, Schools are unique links with families and communities and can facilitate the dissemination of critical information about the importance of everyone's participation in the Census; and

WHEREAS, By working together, the 2010 Census count will be complete and reflect a more accurate count of traditionally undercounted communities; now therefore be it

Resolved, That Montgomery County Public Schools declares it is an official partner with the U.S. Census Bureau for the 2010 Census.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Henry Hailstock	Dealing with Suspensions
2. Donald Pelles	Accelerated and Enriched Instruction
3. Raymond Moreno	Accelerated and Enriched Instruction
4. Henry L. Williams	Reduction of Suspensions
5. Christopher Lloyd	Human Resources

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Durso commented on the Back-to-School Fair and the Gaithersburg Parade. Both activities were very positive for the community and school system.

Dr. Docca stated that she had attended the (1) parade in Gaithersburg and it was a pleasure; (2) African American Heritage Proclamation sponsored by Mr. Leggett's office;

and (3) Maryland State Education Association Conference on the education achievement gap in the state. She pointed out the importance of including stakeholders in school system decision making. The tenets of Baldrige emphasize the importance of stakeholder involvement in all system processes. She was concerned that the system is presenting predetermined material without stakeholder input or involvement, such as the disproportionality report and review of suspensions. She will continue to work with the community to review suspensions, special education, and gifted students.

Mr. Barclay associated himself with the comments of his colleagues. He welcomed the students and staff back to a new school year. There is a lot of work to be done, and education is the great equalizer, he said.

Mrs. O'Neill thanked the principals, teachers, and support staff for greeting students with a smile and being ready for instruction. The school system will work with the health department to coordinate efforts concerning the flu.

Dr. Weast commented that Viers Mill Elementary School would have a special visitor later in the day, Housing and Urban Development Secretary Shaun Donovan. Several members of the Board of Education and Dr. Weast planned to join Principal Matt Devan and school staff to greet the secretary. Secretary Donovan is among a number of President Obama's cabinet secretaries who is visiting regional schools September 8 to view with students the president's online message encouraging them to study hard and inspiring them to set high academic goals. Following President Obama's remarks, Secretary Donovan planned to speak informally with students in a fourth grade class about their goals and dreams.

In addition, Dr. Weast updated the Board on H1N1 preparations by health officials. Student health and safety is always a primary concern, he said, and MCPS will continue to work closely with health officials on any decisions related to the flu. Principals at each school developed plans over the summer to deliver lessons online and in packets that families can pick up. The lessons would be available in the event a school must close due to a very high incidence of flu among students and staff. We do not expect to have to close schools, he said, but if we do, we are prepared to continue teaching and learning. Parents received a summer mailing, translated into six languages, with basic information about the flu and how to limit the spread of communicable disease. The mailing contained a reminder on the importance of keeping emergency contact information updated.

Parents recently received information from the county Department of Health and Human Services, translated into six languages, announcing a plan to administer seasonal flu vaccine to elementary school students this fall. With the letter was a consent form for parents to sign if they want their child to receive seasonal flu vaccine at school. More details about scheduling and logistics for administering the seasonal FluMist vaccine will be forthcoming. There is no information yet about the possibility of providing H1N1 vaccinations at schools.

Ms. Brandman associated with her colleagues' comments. The year started in a wonderful fashion, she said.

Re: **ORAL UPDATE**

Dr. Weast, Mr. Larry Bowers, chief operating officer, Dr. Frieda Lacy, deputy superintendent, and Mr. Steve Bedford, chief performance officer, commented on the beginning of school. There was a short video on the opening of school that featured many excited students and teachers beginning instruction.

** Dr. Weast and Dr. Docca temporarily left the meeting at this point.

Board members commented on the following points:

1. enrolled new students
2. impact of course fees
3. availability of calculators
4. review of oversized classes
5. appraisal of supply of workbooks and organizers
6. query if freeze affect the reassigning of staff due to enrollment
7. request for number of private school students enrolling in MCPS
8. need to build relationships with students
9. utilization of technology

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch from 11:50 a.m. to 1:00 p.m.

RESOLUTION NO. 391-09Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, It is recommended that Bid 4102.4 Recycled Toner Cartridges be rejected due to change in terms and conditions; now therefore be it

Resolved, That Bid No. 4102.4 Recycled Toner Cartridges be rejected due to change in terms and conditions; 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:

03670 00058	Unleaded Gasoline <u>Awardee</u> Truman Arnold Companies	\$721,875
1062.3	Software Training Services—Extension <u>Awardees</u> (See note) Learning Tree International Office Pro, Inc. Personalized Computer Training* Softeck Services, Inc.* ST-Net, Inc. TechObject Corporation* Total	\$240,000
4236.1	Communication Outreach Tool— Extension <u>Awardee</u> Blackboard Connect-ED	\$349,300
4274.1	Lawson Security Upgrade <u>Awardee</u> Lawson Software Americas, Inc.	\$ 69,000
9181.3	Masonry Thru-Wall Flashing and Waterproofing** <u>Awardee</u> Walker Willis/T/A Custom Masonry	\$ 40,000
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$1,420,175

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 392-09Re: **FOX CHAPEL ELEMENTARY SCHOOL –
GRANT OF EASEMENT AND RIGHT-OF-
WAY**

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Fox Chapel Elementary School, located at 19315 Archdale Road in Germantown; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,040 square feet, is needed for the installation of a water main and appurtenances as a part of the school addition project; and

WHEREAS, The Board of Education will assume responsibility for the initial expense and liability of damages or injury resulting from the installation as a part of the school construction project; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the expense and liability for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a permanent grant of easement and right-of-way of 1,040 square feet to the Washington Suburban Sanitary Commission at Fox Chapel Elementary School.

RESOLUTION NO. 393-09Re: **CABIN JOHN MIDDLE SCHOOL – GRANT
OF EASEMENT AND RIGHT-OF-WAY**

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Cabin John Middle School, located at 10701 Gainsborough Road in Potomac; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,398 square feet, is needed for the installation of a water main and appurtenances as a part of the school modernization project; and

WHEREAS, The Board of Education will assume responsibility for the initial expense

and liability of damages or injury resulting from the installation as a part of the school construction project; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the expense and liability for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a permanent grant of easement and right-of-way of 1,398 square feet to the Washington Suburban Sanitary Commission at Cabin John Middle School.

RESOLUTION NO. 394-09Re: **LEASE RENEWALS FOR RELOCATABLE CLASSROOMS WITH WILLIAMS SCOTSMAN, INC.**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:#

WHEREAS, The original leases for 63 relocatable classrooms owned by Williams Scotsman, Inc. expired as of June 30, 2009; and

WHEREAS, There is a continuing need for 63 units for the next school year; and

WHEREAS, Staff has negotiated a one-year renewal cost for the 63 units that are still needed at an annual cost of \$350,280, or an average cost of \$5,560 per unit, which is an increase of \$68.57 per unit; now therefore be it

Resolved, That the Board of Education authorize the superintendent of schools to execute renewal leases with Williams Scotsman, Inc. for a total one-year cost of \$350,280.

RESOLUTION NO. 395-09Re: **LEASE RENEWALS FOR RELOCATABLE CLASSROOMS WITH MODSPACE**

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

WHEREAS, The original leases for 40 relocatable classrooms owned by ModSpace expired as of June 30, 2009; and

WHEREAS, There is a continuing need for 39 of the 40 units for the next school year, while one unit has been identified for return to the vendor; and

WHEREAS, Staff has negotiated a one-year renewal cost for the 39 units that are still

needed at an annual cost of \$141,000, or an average cost of \$3,615.38 per unit; now therefore be it

Resolved, That the Board of Education authorize the superintendent of schools to execute renewal leases with ModSpace for a total one-year cost of \$141,000.

RESOLUTION NO. 396-09Re: **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approves the Human Resources Monthly Report dated September 8, 2009.

RESOLUTION NO. 397-09Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective September 9, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Peter Ostrander	Secondary Program Supervisor	Magnet Coordinator Montgomery Blair HS

Re: **GOAL 2: PROVIDE AN EFFECTIVE INSTRUCTIONAL PROGRAM – SEQUENCE OF ACCELERATED AND ENRICHED INSTRUCTION**

The following people came to the table: Mr.. Erick J. Lang, associate superintendent, Office of Curriculum and Instructional Programs; Mr. Martin M. Creel, director, Department of Enriched and Instructional Programs; Mrs. Cheryl D. Pulliam, principal, Oakland Terrace Elementary School; and Mrs. Kay K. Williams, director, Division of Accelerated and Enriched Instruction.

Montgomery County Public Schools (MCPS) is committed to equity and excellence for all students. Through a continuum of quality instructional programs and services, all students, including students who are traditionally underrepresented in advanced-level courses as well as those who are currently achieving at high levels, can expand their intellectual boundaries. The Seven Keys to College Readiness reinforces the MCPS expectation that all students can succeed in the most rigorous instructional program. Increased enrollment and improved performance of all students in advanced-level courses is an important component of ongoing efforts to provide an effective instructional program—one of five major goals identified in *Our Call to Action: Pursuit of Excellence*, the MCPS strategic plan.

In the publication *Aiming for Excellence: Gifted Program Standards*, the National Association of Gifted Children recommends that student assessment for identification “. . . is an organized, systematic, ongoing process that seeks to identify student needs for purposes of matching students to programming options.” Such a systematic approach for continuous identification and matching of student strengths is essential. When combined with timely communication with parents, monitoring of student progress, and implementation of services, MCPS can ensure that every child is recommended for and receives the most appropriate instruction. The memorandum presented to the Board provides background and describes development of a systemwide process that ensures that all students’ strengths are identified, that they have access to challenging curriculum and instruction, and that parents receive timely communication about their child’s instructional program. This process will help meet the system goal of equitable preparation and access to a rigorous instructional program.

The MCPS goal of providing all students equitable preparation and access to a rigorous instructional program is at the heart of establishing an effective, systematic approach for continuous identification and matching of student strengths with instruction. When combined with timely communication with parents and professional development, this process will support consistency of implementation and results among all schools, and will ensure the highest quality of instruction for all students. In addition, the establishment of a system of consistent course recommendation and service monitoring will provide MCPS with appropriate data to inform future determinations concerning programs for all students.

Re: **DISCUSSION**

Mr. Hwang wanted see the number of total Advanced Placement exams taken per student in MCPS. Basically, he asked for the average number of exams taken per student in MCPS if that data is available (total AP exams/total students in MCPS) over the years in order to better see if the trend of AP exams really is increasing or if it's just a result of population increase.

Ms. Berthiaume thought it was critical to communicate to the family for feedback to ascertain academic as well as psychological and social needs. She asked if the school system was able to determine from the collected data how many students are above or far above grade level. Also, the system accelerates students when it should be providing enrichment. Staff replied that acceleration and enrichment are not mutually exclusive. The accelerated math curriculum includes significant amount of enrichment in the curriculum. In terms of the students above grade level, the number will vary by data point.

Mr. Barclay asked what happens when there is a difference between the school’s recommendation and central office. Further, what happens when the parents’ desire and what is communicated by the school system differ? Finally, it is within the school’s capability to deliver the service or curriculum? Staff said the policy states that there is a need to set multiple criteria with parent input in the beginning of the decision-making

process. The capacity of the school to deliver programs is closely monitored by the Office of School Performance and AEI.

** Dr. Weast and Dr. Docca rejoined the meeting at this point; Mr. Hwang temporarily left the meeting.

Mrs. O'Neill stated that her interest is to assure that the school system meets the needs of students. The program development for a child should come close to an Individualized Education Program (IEP) in order for the principal and teachers to be aware of the program. As a parent, she always wanted to know what her child was entitled to receive educationally. How will parents know how their children are assessed for enrichment? Staff replied that the new report card and math unit assessments indicate the level at which the child is working.

Mrs. O'Neill pointed out that there was a rumor in the community that MCPS was instituting gate keeping. Staff replied that the goal of the system is to make sure every child is engaged using all methods possible, such as parent interviews, data, and assessments to assure that the child is in the most challenging course for his or her abilities.

Mrs. O'Neill asked if there was anything in the pilot that was inconsistent with Policy IOA. Staff assured the Board that there were no inconsistencies, but the pilot would enhance the expectation of increased monitoring and ensure that gifted children receive programming.

Mr. Kauffman inquired about articulation decisions in advanced math and reading. Where does social studies and science fit into this process? Staff noted that a student cannot reach an accelerated or advanced level without reading and vocabulary knowledge. An vocabulary knowledge requires world knowledge which is acquired in science and social studies. Therefore, there is a connection and the changes in curriculum will be an integrated approach of all four disciplines or content areas.

Mr. Kauffman asked if there was cost associated with this process. Staff explained that this is an existing guidelines and combining and streamlining the process.

Mr. Barclay pointed out that student learning comes down to teacher training and professional development in order to differentiate instruction. Dr. Weast stated that was the crux of the challenge to accelerate and enrich instruction. The system has the expectation that all students can be college/work ready. The teachers' skills must be increased in order to accelerate the challenges to the students. Therefore, a quality teacher who can differentiate instruction with high expectations must be in every classroom.

Mrs. O'Neill noted that students are mobile moving from school to school and jurisdiction to jurisdiction. The issue of communicating from school to school is essential to enable the child to be properly evaluated and placed in the appropriate class. Staff replied that mobility is a serious issues, and a central database saves time for placement and instruction. Also, reviewing the data at transition points is very important for the child and staff.

Mr. Kauffman asked about the timeframe for the roll out of the new process with 25 elementary school now, and what is planned for the future. Staff explained that the pilot for 25 schools will be this year with all elementary schools next year. There will be a pilot in middle school the following year and then the senior high schools will follow.

Mr. Berthiaume thought there was a need to discuss the math curriculum in the future. She thought the multiple entry points at transition points are important so that there are entry points into the advanced curriculum. Part of the gifted and talented discussion is not just the academic piece, but social and emotional component.

Re: **GOAL 1: ENSURE SUCCESS FOR EVERY STUDENT – REDUCTION OF SUSPENSIONS**

Dr. Weast invited the following people to the table: Mr. Stephen L. Bedford, chief school performance officer, Office of School Performance; Dr. Frank H. Stetson, community superintendent, Office of School Performance; Mrs. Betty J. Collins, director of staff development initiatives, Office of Organizational Development; Dr. Christopher S. Garran, principal, Walter Johnson High School; and Mr. Joe L. Rubens, Jr., principal, Col. E. Brooke Lee Middle School.

The Montgomery County Public Schools' (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, states that, "All schools will eliminate the disproportionate suspension rates of African American, Hispanic, and special education students." To this end, a multi-stakeholder work group was formed to study this issue and to develop a comprehensive strategy to reduce the out-of-school suspension rates of African American, Hispanic, and special education students. On June 23, 2008, the work group provided ten recommendations to the Board of Education to address the over-representation of these three student groups with regard to suspensions. Subsequent to the presentation to the Board of Education and further review, nine recommendations were finalized.

Beginning in August 2008, the work group's co-chairs, Mrs. Betty J. Collins, director, Staff Development Initiatives Team, and Dr. Frank H. Stetson, community superintendent, led the system's effort to implement the recommendations. Principals, assistant principals, and principal interns were trained on implementation of the recommendations. The M-Stat Suspension team was formed to carry on the work and to provide a systematic means of monitoring the progress toward meeting the strategic plan goal of eliminating disproportionate suspension rates. This M-Stat team continues to work on ensuring consistent implementation of the recommendations and providing a systemic infrastructure for monitoring progress.

There has been a sharp decrease in out-of-school suspensions at all school levels, demonstrating that the sustained focus on the issue of out-of-school suspensions, along with the extensive training provided, have begun to yield real results. Although much work remains, there are encouraging signs of progress.

Although we are pleased with the progress that is being made in reducing suspensions and

in reducing disproportionality in suspensions among racial/ethnic and special education groups, and with the significant progress made in addressing this target of the strategic plan, we remain committed to reducing the number of suspensions, the percentage of students being suspended, and the disproportionate suspension of certain student groups while maintaining safe and focused teaching and learning environments. This commitment includes the expectation that all schools promote engagement in the learning process as the primary strategy for addressing problematic behaviors.

The M-Stat team will continue its work and lead this effort. The focus for this year will be on continuing to refine the improvements that have been successful, instituting deeper analysis to identify root causes for discretionary suspensions, and reviewing alternatives to out-of-school suspension, with primary emphasis on how in-school suspension is utilized in our schools.

Re: **DISCUSSION**

** Mr. Hwang returned to the meeting; Ms. Berthiaume left the meeting.

Dr. Docca thanked staff for the work they did with the community with several meetings. With the community input, some of the objectives were changed. Also, she thanked the principals for coming to the Board to relate their experiences and successes. However, there are still concerns around the non-discretionary suspensions. She asked about student mediation, and what staff member works with the students. Staff replied that counselors are used who have more freedom than classroom teachers.

Mr. Durso asked if the lack of definitions leads to inconsistency in suspensions. Staff agreed, but the decision is the principal's.

Mr. Barclay asked how does the system take the strategies at the administrative level and push them down into the classrooms to mitigate referrals and help students make better decisions. Staff responded that student engagement in rigorous learning and positive correction can mitigate disruptive behavior. Also, there is a focus on Positive Behavioral Interventions and Support (PBIS) in teaching and modeling for students to make the right choices.

Mrs. O'Neill thanked the principals for providing leadership in the building because the focus is on teaching and learning. If the student is bored, there is time for mischief. Therefore, teachers who engage the students helping them focus on learning. Mrs. O'Neill thanked Dr. Docca for her commitment and energy in working with the community, and her persistence in helping the Board discuss this topic.

Mr. Barclay wanted to know what happens to a student when they are suspended. Dr. Weast thought it was important to increase the capacity of staff to execute a plan and change the culture which is the job of the system's leadership.

Ms. Brandman thought the most powerful part of the presentation is that there is a

commitment to each individual child and, if a student makes a mistake, the system will work with the child to help them to be successful.

RESOLUTION NO. 398-09Re: CLOSED SESSION RESOLUTION

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

HEREAS, 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 Monday, September 21, 2009, in Room 120 of the Carver Educational Services Center to meet from 5:30 to 6:00 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 meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 399-09Re: REPORT OF CLOSED SESSION

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

On August 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 August 27, 2009, from 9:30 a.m. to 12:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Unanimously approved Decisions and Orders in Appeals T-2009-19, T-2009-20, T-2009-22, DCC-2009-23, DCC-2009-24, 2009-12, 2009-13, 2009-14, 2009-16, and 2009-17 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-2009-27, NEC-2009-28, T-2009-29, T-2009-30, 2009-12, 2009-18, 2009-19, 2009-20, 2009-21, and 2009-26.

3. Discussed the Human Resources Monthly Report and Appointment 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 (selected recipients of the Distinguished Service Awards, made appointments to Maryland Association of Boards of Education Committees, and discussed appropriate action regarding a recent State Board of Education decision) outside the purview of the *Open Meetings Act* (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session for appeals were Chris Barclay, Laura Berthiaume, Pat Clancy, Judy Docca, Mike Durso, Tim Hwang, Roland Ikheloa, Phil Kauffman, Suzann King, Kristen Koger, Patricia O'Neill, Glenda Rose, and Laura Steinberg. At 10:30 a.m., the following staff joined the Board in closed session: Steve Bedford, Larry Bowers, Sherwin Collette, Brian Edwards, Frieda Lacey, Susan Marks, Bronda Mills, Chris Richardson, Stacy Scott, and Jerry Weast.

RESOLUTION NO. 400-09Re: **MINUTES**

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

Resolved, That the Board of Education approve its minutes for June 22, 2009.

RESOLUTION NO. 401-09Re: **APPEALS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, 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 appeal 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>
NEC-2009-33	Assignment	Affirmed
2009-25	Early Entrance	Affirmed
2009-27	Placement/Gifted	Affirmed
2009-28	Early Entrance	Affirmed
2009-29	Placement/Gifted	Affirmed

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 402-09Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of September 8, 2009, at 3:55 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET
September 8, 2009

RESOLUTION FOR CLOSED SESSIONS 1

PLEDGE OF ALLEGIANCE 2

APPROVAL OF THE AGENDA 2

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