

APPROVED  
31-2009

Rockville, Maryland  
November 10, 2009

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on November 10, 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. 462-09Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, 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 November 10, 2009, in Room 120 from 9:00 to 10:00 a.m. and 12:30 to 2:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County 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*; 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 sessions on November 10, 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 sessions until the completion of business.

RESOLUTION NO. 463-09Re: **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 November 10, 2009.

Re: **PLEDGE OF ALLEGIANCE**

The Color Guard from Gaithersburg High School presented the colors.

RESOLUTION NO. 464-09Re: **IN HONOR OF VETERANS**

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

WHEREAS, Each Veterans Day, Americans continue to celebrate with ceremonies and speeches remembering and honoring those who fought for peace; and

WHEREAS, In 2001, United States Senate Resolution 143 designated November 11 through November 17 of each year "National Veterans Awareness Week;" and

WHEREAS, Tens of millions of Americans have served in the Armed Forces of the United States, and hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century; and

WHEREAS, The month of November provides us an opportunity to remember and acknowledge the sacrifices of men and women who served our country in the Armed Forces of the United States and especially our parents, staff, and community members; now therefore be it

Resolved, That the Board of Education along with students, parents, Montgomery County Public Schools staff, and the entire community salutes the sacrifice of the men and women of the United States Armed Forces.

RESOLUTION NO. 465-09Re: **AMERICAN EDUCATION WEEK**

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

Mr. Barclay, the following resolution was adopted unanimously:

WHEREAS, Public education is the backbone of our democracy, providing students with the knowledge and skills they need to maintain our nation's values of freedom, civility, and equality; and

WHEREAS, Montgomery County Public Schools has high expectations for every child and is committed to providing a climate of respect that provides students access to opportunities to ensure academic success; and

WHEREAS, Montgomery County Public Schools staff, be they teachers, specialists, bus drivers, food service workers, building service workers, or administrators, work to serve our students and their families with care and professionalism; and

WHEREAS, Parents are an integral part of the educational process by providing a nurturing home learning environment, and as their child's first teacher and advocate, are important partners with the school system; and

WHEREAS, Community involvement in our schools provides vital support and opens opportunities for students to participate in community learning and outreach activities; and

WHEREAS, The schools of Montgomery County Public Schools are the foundation of neighborhoods and communities, bringing together students and parents, educators and volunteers, business leaders, and elected officials in a common purpose; and

WHEREAS, Well-educated students who graduate from high school ready for college and the workforce drive innovation that can solve world problems for government, business, industry, and human relations; and

WHEREAS, Educators, students, family and community members take time to celebrate their accomplishments in promoting American Education Week and reaffirm their commitment to ensure a world-class education for all students; now therefore be it

Resolved, That the Montgomery County Board of Education hereby declares November 15 through November 21, 2009, to be observed in Montgomery County Public Schools as American Education Week, a time to appreciate the importance of continuing support for our schools.

RESOLUTION NO. 466-09Re: **NATIONAL SCHOOL PSYCHOLOGY WEEK**

On motion of Ms. Brandman seconded by Mrs. O'Neill, the following resolution was adopted unanimously:

WHEREAS, The week beginning on November 9, 2009, is National School Psychology Week; and

WHEREAS, Learning and development are directly linked to the mental health of children, and all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs; and

WHEREAS, Sound psychological principles are critical to proper instruction, learning, and social and emotional development, and school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively; and

WHEREAS, School psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors; now, therefore be it

Resolved, That the Montgomery County Board of Education recognizes the vital role school psychologists play in the personal and academic development of our students, appreciates the supports they provide to our culturally diverse student body and families, and values their daily efforts to create supportive learning environments for all our students.

Re: **PUBLIC COMMENTS**

The following people presented comments before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Chris Lloyd T	Teacher Efficacy
2.	Meghan Petrucci	Overcrowding at Oakland Terrace Elementary School
3.	Elizabeth Saindon	Overcrowding at Oakland Terrace Elementary School

Staff will contact the community regarding options for the overcrowding at Oakland Terrace Elementary School.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Durso pointed out that there are students behind the dropout rates, and he relayed a story of how a student went on to become a productive and successful citizen after a rocky beginning in high school.

Dr. Docca reported that she attended the (1) site visit for the International Baccalaureate Program at for Seneca Valley High School; (2) workforce breakfast for Montgomery County; (3) 100th anniversary of Clarksburg Elementary School; (4) Jean Cryor funeral; and (5) Montgomery County Alliance of Black School Educators meeting.

Mr. Barclay encouraged the community to attend high school theater productions since the students do a wonderful job. He attended the 3rd Youth Having a Voice Roundtable sponsored by the Commission on Children and Youth.

Mrs. O'Neill pointed out that the falls sports were ending and student athletes were wrapping up the season.

Dr. Weast commented on a special MCPS Parent Academy workshop at Kingsview Middle school that was hosted by Mike DeGraba, *The Math Dude* from the award-winning MCPS Instructional TV series. Next week, Strathmore will once again open its doors to 10,000 second grade students over a period of three days, and this is the sixth consecutive year that our second grade students will have the opportunity to attend a free performance by the National Philharmonic conducted by Maestro Piotr Gajewski in the Strathmore Concert Hall. Finally, he commented that members of the Takoma Park Middle School National Science Bowl team, who were regional winners last year, had an opportunity to be quizzed by First Lady Michelle Obama last week.

Re: **SCHOOL SAFETY AND SECURITY AT A  
GLANCE**

Dr. Weast invited Mr. Stephen L. Bedford, chief school performance officer, Office of School Performance, to the table.

The second annual edition of the Montgomery County Public Schools (MCPS) *School Safety and Security at a Glance* report was provided to the Board on September 30, 2009, he said. This publication summarizes data from the 2008–2009 school year for each individual school on suspensions, serious incidents, Code Red and Code Blue drills, school climate, and local school safety and security program descriptions. *School Safety and Security at a Glance* is closely aligned to the *MCPS Schools at a Glance* report that also is published annually. It complements, not supplants, other reports reflecting safety and security-related data that currently are produced.

Based on a need for a single source of information about school safety and security issues and impetus from the findings of an October 2006 report by the Office of Legislative Oversight (OLO), the *School Safety and Security at a Glance* report was developed. The report identifies procedures schools use to address incidents that impact the safety and security of their staff and students or disrupt the process of effective teaching and learning. *School Safety and Security at a Glance* provides accurate reporting of incidents related to school safety and security in a concise, easily understood format, making data readily accessible to administrators, teachers, students, and parents who can use it to promote a productive learning environment in every school.

*School Safety and Security at a Glance* is used to improve the way incidents that threaten the safety and security of school staff and students, or that disrupt the process of effective teaching and learning, are addressed. It is critical that administrators, teachers, students, and parents work together to ensure the best learning environment possible. The data contained in *School Safety and Security at a Glance* can inform that work. By sharing the report with their school leadership, school staff, students, and parents, principals can foster discussions regarding the implementation of individual schools' serious incident processes and procedures and whether they match the needs that the report is highlighting. Data from the report are used by the community superintendents to monitor and implement improvements to school climates, in consultation with the principals.

Similar to *Special Education at a Glance*, there is no county summary of data in *School Safety and Security at a Glance*. The information provided in this publication also has proven to be beneficial to work groups and others in their efforts to ensure orderliness of the learning environment. For example, in order to assist school leadership teams and stakeholders with long-term program improvement, the Suspension M-Stat team, using the *School Safety and Security at a Glance* report, will work to develop guiding questions to assist teams in reviewing their school's data.

Re: **DISCUSSION**

Mr. Kauffman asked how deficit schools were handled after the survey. At the high school level, students who feel safe at school have numbers in the on the survey in the 30s or 40s. [NOT CLEAR] However, the only reportable incident is theft. Why do students feel unsafe? Staff explained that theft is an issue, but it is not documented unless police are called due to the value of the item.

Mr. Barclay asked if there were programs that would deal with theft. Staff responded that Positive Behavioral Interventions and Supports (PBIS) at Quince Orchard High School are based on honesty, dress code, and core values. Other schools utilize Character Counts to allow students to value each other and property. [SOMETHING MISSING?]

Mr. Barclay noted the section on school climate and the low return rate for parents' surveys. What work is being done to improve the rate of return? Staff replied that the Office of Shared Accountability is looking at new ways for parents to provide feedback.

Ms. Berthiaume commented that she appreciated *School Safety and Security at a Glance*. It is very useful and helps transparency within the community. Research over the years has demonstrated that what influences behavior is the environment in which an individual operates. MCPS sets the environment in schools and social signals that are sent. What can be done to bring more uniformity throughout the system? Staff thought that reducing or eliminating the behaviors of students that lead to suspensions could help.

Dr. Docca pointed out that school staff deals with misplaced belongings on a daily basis.

Citizenship is stressed in the beginning of the year when student rights and responsibilities are discussed. School staff has to follow up with parents when forms are to be returned.

Mrs. O'Neill thanked staff for the document. She pointed out that after Columbine and the sniper incidents, students stated that they did not feel safe.

Mr. Durso commended staff for pulling the information together in a document. The school system has had dramatic improvement in suspension rates and the effort to keep students in school. There needs to be a consistent message to schools on when to suspend a student, with safety values in place so that the suspension may not be needed.

\*\* Ms. Berthiaume and Mr. Hwang temporarily left the meeting.

RESOLUTION NO. 467-09Re: **APPROVAL OF PILOT COURSES**

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, On February 13, 2001, the Montgomery County Board of Education adopted Policy IFA, *Curriculum*, governing all curriculum development and implementation; and

WHEREAS, Montgomery County Public Schools established procedures under Regulation IFA-RA, *Curriculum*, to allow school staff to develop and pilot non-core curriculum courses through the Office of Curriculum and Instructional Programs; and

WHEREAS, Montgomery County Public Schools established procedures under Regulation IFA-RA, *Curriculum*, to allow externally developed curriculum and instructional programs to be used in place of Montgomery County Public Schools curriculum after review and approval, using the process for non-core curriculum development; and

WHEREAS, The proposed courses have met all of the requirements established in the procedures; and

WHEREAS, These proposed courses support and extend high school signature, academy, career and technology, and elective programs; now therefore be it

Resolved, That the Montgomery County Board of Education approve the following courses as pilot courses, active courses, or restricted courses in accordance with the procedures established in Regulation IFA-RA, *Curriculum*.

**IB Arabic 3 A/B**

**Proposed by:** Bethesda-Chevy Chase High School

**Number of credits and course duration:** 1 credit (2 semesters)

**Grade level:** 11–12

**Instructional level:** Advanced

**Purpose/Rationale:** IB Arabic 3 is a course in the Arabic sequence. In order to make the IB Diploma Programme available to students, they need to be able to continue Arabic studies through IB level 3, and in some cases, IB level 4. The study of Arabic at this level allows students to further develop their speaking, listening, reading, and writing skills, and their understanding of Arabic culture and its role in world events.

#### **IB Arabic 4 A/B**

**Proposed by:** Bethesda-Chevy Chase High School

**Number of credits and course duration:** 1 credit (2 semesters)

**Grade level:** 11–12

**Instructional level:** Advanced

**Purpose/Rationale:** IB Arabic 4 is a course in the Arabic sequence. In order to make the IB Diploma Programme available to students, they need to be able to continue Arabic studies through IB level 4 if they began their Arabic studies in Grade 9. The study of Arabic at this level allows students to further develop their speaking, listening, reading, and writing skills, and their understanding of Arabic culture and its role in world events.

#### **IB Italian 7 A/B**

**Proposed by:** Bethesda-Chevy Chase High School

**Number of credits and course duration:** 1 credit (2 semesters)

**Grade level:** 12

**Instructional level:** Advanced

**Purpose/Rationale:** IB Italian 7 is a course in the Italian sequence for students who begin Italian studies at Westland Middle School in Grade 6. The study of Italian at this level allows students to further develop their speaking, listening, reading, and writing skills, and their understanding of Italian culture and its role in world events.

#### **IB Math Standard Level A/B**

**Proposed by:** Bethesda-Chevy Chase, Albert Einstein, John F. Kennedy, Richard Montgomery, Rockville, Seneca Valley, Springbrook, and Watkins Mill high schools

**Number of credits and course duration:** 1 credit (2 semesters)

**Grade levels:** 11–12

**Instructional level:** Advanced

**Purpose/Rationale:** IB Math Standard Level is a yearlong course designed for advanced mathematics students. The course provides a general overview of mathematical concepts and caters to students who already possess knowledge of basic mathematical concepts, and who are equipped with the skills needed to apply simple mathematical techniques correctly. The course is designed for students who need a sound mathematical background in preparation for future studies in subjects such as chemistry, economics, psychology, and business administration.

**IB Social Anthropology A/B**

**Proposed by:** Bethesda-Chevy Chase, Albert Einstein, John F. Kennedy, Richard Montgomery, Rockville, Seneca Valley, Springbrook, and Watkins Mill high schools

**Number of credits and course duration:** 1 credit (2 semesters)

**Grade level:** 12

**Instructional level:** Advanced

**Purpose/Rationale:** Social and cultural anthropology is the comparative study of culture and human societies. It places special emphasis on comparative perspectives that challenge cultural assumptions. Topics of anthropological inquiry include social change, kinship, symbolism, exchange, belief systems, ethnicity, and power relations. Social and cultural anthropology examines urban as well as rural society and modern nation states. Anthropology contributes to an understanding of contemporary issues such as war and conflict, the environment, poverty, injustice, inequality, and human and cultural rights. The study of anthropology offers critical insight into the continuities as well as the dynamics of social change and the development of societies, and challenges cultural assumptions. [QUESTION: PER TITLE, SHOULD THE WORD "CULTURAL" BE ELIMINATED FROM THE DESCRIPTION?]

**METS ESOL**

**Proposed by:** Gaithersburg High School

**Number of credits and course duration:** .5 credit (1 semester)

**Grade level:** 9–12

**Instructional level:** Advanced

**Purpose/Rationale:** The goal of the *Newcomer Inside USA* program is to help newly arrived Multidisciplinary Education, Training, and Support (METS) students learn language, survival vocabulary, and the basic building blocks for literacy. Students who have successfully completed this course will then participate in a regular English for Speakers of Other Languages (ESOL) program. The rationale for the development of this course aligns with the development of federally mandated requirements of the federal *No Child Left Behind Act of 2001*. METS students who haven't mastered the foundation of English language are required by law to participate in assessments that test their ability not only in use of language, but also in content. This course will help students develop the necessary skills to move students to grade-level performance and participation in the regular ESOL program.

**PROPOSED ELECTIVE HIGH SCHOOL PILOT COURSES**

The following courses are proposed for pilot development and will return for Board approval, if successful.

**Research Design**

**Proposed by:** Walter Johnson High School

**Number of credits and course duration:** .5 credits (1 semester)

**Grade level:** 10–12

**Instructional level:** Advanced

**Purpose/Rationale:** The research design course provides students with the skills needed to transition from performing high school science laboratory experiments to cutting-edge research experiments in the community's competitive laboratories. From this course, students learn how to conduct independent research projects for the purpose of publishing novel discoveries or participating in national competitions such as Intel Science Talent Search or the Siemens Competition in Math, Science and Technology, as well as in local competitions such as ScienceMontgomery.

### **Science, Technology, Engineering, and Mathematics Leadership**

**Proposed by:** Thomas S. Wootton High School

**Number of credits and course duration:** .5 credit (1 semester)

**Grade level:** 11–12

**Instructional level:** Advanced

**Purpose/Rationale:** Science, Technology, Engineering, and Mathematics, collectively referred to as "STEM," is the national initiative to increase student achievement and to promote advanced-level problem-solving capabilities. STEM Leadership is a .5 credit course that will unite significant content knowledge in the STEM fields with practical application in a leadership capacity.

## **RECOMMENDED COURSES FOR APPROVAL IN HIGH SCHOOLS**

The following courses successfully completed the pilot process after earlier Board approval to pilot and are proposed for final approval.

### **Courses Available at All High Schools**

AP Chinese Language and Culture (Course Codes 1929/1930)

AP Japanese Language and Culture (Course Codes 1539/1540)

AP Russian Language and Culture A/B (Course Codes 1867/1868)

HSA Workshop (Piloted as HSA Preparation Workshop) (Course Code 1146)

International Human Rights (Course Code 2141)

### **Courses Offered Only at Authorized High Schools with Specialized Programs**

Academic Acceleration for English Language Learners (Course Code 1248)—Montgomery Blair and Albert Einstein high schools

Advanced Computer Assisted Drafting (CAD) Applications (Piloted as Advanced Auto CAD) (Course Code 5107)—Thomas Edison High School of Technology

Architectural Drafting Techniques (Course Code 5103)—Thomas Edison High School of Technology

CAD Technology: Architectural Applications (Course Code 5104)—Thomas Edison High School of Technology

Criticism in the Humanities A/B (Course Codes 1164/1165)—Poolesville High School

IB Film 1 A/B (Course Codes 7202/7203)—Bethesda-Chevy Chase, Albert Einstein, John F. Kennedy, Richard Montgomery, Rockville, Seneca Valley, Springbrook, and Watkins Mill high schools

IB Film 2 A/B (Course Codes 7204/7205)—Bethesda-Chevy Chase, Albert Einstein, John F. Kennedy, Richard Montgomery, Rockville, Seneca Valley, Springbrook, and Watkins Mill high schools

MCPS Pre-IB Art and Culture A/B (Course Codes 7200/7201)—Bethesda-Chevy Chase, Albert Einstein, John F. Kennedy, Richard Montgomery, Rockville, Seneca Valley, Springbrook, and Watkins Mill high schools

Principles of Biomedical Science A/B (Course Codes 3881/3882)—Wheaton High School

Residential Design Studio (Course Code 5106)—Thomas Edison High School of Technology

### **RECOMMENDED COURSES FOR APPROVAL IN MIDDLE SCHOOLS**

The following courses successfully completed the pilot process after earlier Board approval to pilot and are proposed for final approval.

#### **Courses Offered Only at Authorized Middle Schools with Specialized Programs or Through Middle School Reform**

Advanced English (piloted as English Acceleration A/B) (Course Code 1036)—Argyle, Benjamin Banneker, Roberto W. Clemente, Eastern, Col. E. Brooke Lee, Martin Luther King Jr., A. Mario Loiederman, Montgomery Village, Newport Mill, Parkland, Shady Grove, Silver Spring International, Sligo, Tilden, Julius West, White Oak, and Earle B. Wood middle schools

Aerospace Design and Technology (Course Code 3526)—Parkland Middle School  
Applied Robotic Programming (Course Code 3525)—Parkland Middle School  
Arts Investigation (Course Code 6058)—Roberto W. Clemente, Sligo, and Earle B. Wood middle schools

Computer Aided Drafting Design-Applied Robotic Engineering (Course Code 4260)—Benjamin Banneker, Roberto W. Clemente, Montgomery Village, Shady Grove, White Oak,

and Earle B. Wood middle schools

Fundamentals of Theatre (Course Code 6028)—A. Mario Loiederman Middle School

Information Communication Technology 6 (ICT 6) (Course Code 2913)—Benjamin Banneker, Roberto W. Clemente, Eastern, Martin Luther King Jr., Col. E. Brooke Lee, Montgomery Village, Newport Mill, Shady Grove, Sligo, Tilden, Julius West, White Oak, and Earle B. Wood middle schools

Lights, Camera, Literacy 1 and 2 (Course Codes 1041/1042)—Benjamin Banneker, Roberto W. Clemente, Eastern, Gaithersburg, Martin Luther King Jr., Col. E. Brooke Lee, Montgomery Village, Newport Mill, Shady Grove, Silver Spring International, Tilden, Julius West, White Oak, and Earle B. Wood middle schools

Lights, Camera, FILM Literacy (Course Code 1043)—Col. E. Brooke Lee, Newport Mill, Silver Spring International, Julius West, and Earl B. Wood middle schools

Literary Multimedia (Course Code 2912)—Argyle Middle School  
Multimedia Production 2 (Course Code 2911)—Argyle Middle School  
Programming Fundamentals (Course Code 2935)—Argyle Middle School  
Research in Astronomy (Course Code 3527)—Parkland Middle School

\*\* Mr. Hwang rejoined the meeting.

**RESOLUTION NO. 468-09Re: 2010–2011 SCHOOL CALENDAR**

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 establishment of school terms by the Board of Education is required by state law; and

WHEREAS, The Montgomery County Public Schools parents, community members, students, and staff should be informed of the Board-adopted school calendar each year and the subsequent contingency plan identifying days that will be used to make up lost instructional time due to emergency closings; now therefore be it

Resolved, That the proposed calendar and contingency plan for Montgomery County Public Schools for the 2010–2011 school year be adopted.

**School Calendar for 2010–2011**

<b>2010</b>		
Monday, July 5	Holiday	Independence Day
August 23, 24, 25, 26, 27		Professional days for teachers
Monday, August 30		First day of school for students
Monday, September 6	Holiday	Labor Day
Thursday, September 9	Rosh Hashanah	No school for students and teachers (Note: Yom Kippur is Saturday, September 18, 2010)
Tuesday, September 14	Holiday	Primary Election
Friday, October 1	<b>Tentative</b>	<b>Tentative</b> early release for all students—planning/grades
Friday, October 15		MSTA Conference/MCAAP Fall Conference—no school for students and teachers
Monday, November 1		Professional day for teachers (no school for students)—planning/report card preparation and duty day for designated 10-month employees for professional development activities
Tuesday, November 2	Holiday	General Election
Thursday and Friday, November 11 and 12		Early release (K–8 parent conferences)
Wednesday, November 24		Early release prior to Thanksgiving
Thursday and Friday, November 25 and 26	Holidays	Thanksgiving
Friday, December 24	Holiday	Christmas
December 27, 28, 29, 30		Winter break—no school for students and teachers
Friday, December 31	Holiday	New Year's Day
<b>2011</b>		
Monday, January 17	Holiday	Dr. Martin Luther King, Jr. Birthday
Monday, January 24		Professional day for teachers (specified 10-month employees work)—no school for students
Monday, February 21	Holiday	Presidents' Day
Friday, March 4	<b>Tentative</b>	<b>Tentative</b> early release for all students—planning/grades
Thursday, March 31		Professional day for teachers—no school for students
April 18, 19, 20, 21		Spring break—no school for students and teachers (Note: Passover begins Tuesday, April 19)
April 22 and 25	Holidays	Good Friday and Easter Monday
Monday, May 30	Holiday	Memorial Day

Thursday, June 16		Last day of school for students
Friday, June 17		Professional day for teachers

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 12:20 to 2:30 p.m.

\*\* Ms. Berthiaume rejoined the meeting.

RESOLUTION NO. 469-09 Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, Funds have been budgeted for the lease/purchase of used copier equipment previously awarded through Bid No. 4247.1 at the May 12, 2009, Board of Education meeting; and

WHEREAS, Funds have been budgeted for the lease/purchase of cargo vans with a rail gate through Bid No. 9048.2 in the amount of \$168,166; and

WHEREAS, The acquisition of used copier equipment and cargo vans with a rail gate through the lease/purchase has been reviewed by legal counsel; now therefore be it

Resolved, That used copier equipment in the amount of \$125,100 be leased/purchased for a three-year term under the Master Lease/Purchase Agreement with First Southwest Company; and be it further

Resolved, That cargo vans with rail gate in the amount of \$168,166 be leased/purchased for a six-year term under the Master Lease/Purchase Agreement with First Southwest 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:

58606.1 Inspection and Cleaning Kitchen Hoods/Exhaust Systems\*\*

	<u>Awardee</u>	Total Kitchen Care	\$ 60,000
7507000445	Off-the-Lot, New Vehicles		
	<u>Awardee</u>		
	Criswell		\$ 28,042
1143.3	Voluntary Defined Contribution Programs—Extension		
	<u>Awardees</u>		
	AIG VALIC		
	Fidelity Investments Tax-Exempt Services Company		
	ING		
	Lincoln Financial Group		
	Lincoln Investment Planning, Inc., and Hendershot Financial Group		
	MetLife Resources		
	Smith Barney		
	T. Rowe Price Services, Inc.		
	TIAA-CREF		
1161.1	Enterprise Wide Electronic Grading and Reporting System—Extension		
	<u>Awardee</u>		
	Excelsior Software, Inc.		\$108,700
4079.9	Health Room Supplies		
	<u>Awardee</u>		
	Calico Industries, Inc.		\$ 15,774
	Safetec of America, Inc.*		<u>115,200</u>
	Total		\$130,974
4082.5	Science Equipment—Extension		
	<u>Awardees</u>		
	Amerisochi, Inc.*		\$ 1,026
	Benz Microscope Optics Center		1,903
	Carolina Biological Supply Company		2,278
	Cynmar Corporation*		525
	Edvotek, Inc.		7,964
	Fisher Science Education		103,720
	Para Scientific Company		25,457

	Pasco Scientific Company	75,898
	Pitsco, Inc.	2,578
	VWR International	<u>13,668</u>
	Total	\$235,017
4127.2	Recycling/Trash Removal—Extension	
	<u>Awardee</u>	
	Waste Management of Maryland, Inc.	\$528,042
4161.1	Grant Evaluator for Student Technology Literacy Consortium—Extension	
	<u>Awardee</u>	
	Macro International, Inc.	\$ 45,000
4194.1	Flexible Spending Account (FSA) and COBRA Program and Services—Extension	
	<u>Awardee</u>	
	SHPS	\$ 50,000
4195.1	Grant Evaluator for Smaller Learning Communities Program—Extension	
	<u>Awardee</u>	
	Pacific Research & Evaluation, LLC	\$ 30,000
4213.1	Position Classification Study	
	<u>Awardee</u>	
	Giacalone & Associates, Inc.	\$ 40,000
4240.1	Gestetner 9002 Copier Supplies and Parts	
	<u>Awardees</u>	
	Copiers Plus, Inc.	\$ 50,000
	Ricoh Americas Corporation	<u>30,000</u>
	Total	\$ 80,000
4278.1	Technology Consultant	
	<u>Awardee</u>	
	The Critical Thinking Consortium	\$200,000

4279.1	Human Resources Information System Consultant	
	<u>Awardee</u>	
	Janis Group, Inc.	\$ 77,000
4280.1	Paybase Application Maintenance	
	<u>Awardee</u>	
	Bottomline Technologies	\$ 50,000
4281.1	Behavioral Health Support Initiative	
	<u>Awardee</u>	
	Mental Health Association	\$ 100,000
7006.5	Hand Held Calculators and Calculator-based Laboratory Software Systems—Extension	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 9,185
	D&H Distributing Company	435,359
	Vernier Software	<u>90,000</u>
	Total	\$534,544
7069.1	Health Room Supplies	
	<u>Awardees</u>	
	S. Freedman & Sons, Inc.	\$ 281,000
	Lab Safety Supply	24,328
	Calico Industries	<u>52,080</u>
	Total	\$ 357,408
7115.5	Early Childhood Equipment and Supplies—Extension	
	<u>Awardees</u>	
	Childcraft Education Corporation	\$133,027
	Community Products, LLC	118,750
	Kaplan School Supply Corporation	114,042
	Lakeshore Learning Materials	945
	Pyramid School Products	23,429
	Wood Etc. Corporation*	<u>35,980</u>
	Total	\$426,173

7117.3	Snowplow and Pump Parts—Extension	
	<u>Awardee</u>	
	Gaithersburg Equipment Company	\$ 52,401
7196.1	Peripheral Equipment Mounting Rails	
	<u>Awardee</u>	
	Clinton Learning Solutions	\$ 60,000
9048.2	Cargo Vans with Rail Gate	
	<u>Awardee</u>	
	Johnson Truck Center	\$ 168,166
9115.8	Potatoes, Frozen—Extension	
	<u>Awardees</u>	
	Feesers, Inc.	\$ 247,320
	J. R. Simplot Company	<u>439,860</u>
	Total	\$ 687,180
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$4,048,647

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

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

RESOLUTION NO. 470-09Re: **BID NO. 9684.1, RE-ROOFING AT WATKINS  
MILL HIGH SCHOOL**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

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

9684.1	Re-roofing at Watkins Mill High School	
	<u>Awardee</u>	
	Cole Roofing Company, Inc.	\$1,246,914

RESOLUTION NO. 471-09Re: **BID NO. 4178.1, DENTAL PROGRAM AND  
SERVICES - EXTENSION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

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

4178.1          Dental Program and Services—Extension

Awardee

Aetna Life Insurance Company

\$19,000,000

RESOLUTION NO. 472-09Re:    **BID NO. 7055.12, PURCHASE OF SCHOOL BUSES**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, Funds have been budgeted for the purchase of school buses; and

WHEREAS, The acquisition of school buses through a lease/purchase agreement has been reviewed by legal counsel; now therefore be it

Resolved, That school buses in the amount of \$6,616,437 be lease/purchased for a six-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 contract will be awarded to the low bidder meeting specifications as shown below:

7055.12          Purchase of School Buses

Awardee

American Truck & Bus, Inc.

\$6,616,437

RESOLUTION NO. 473-09Re:    **ARCHITECTURAL CONTRACT ASSIGNMENTS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, The firm of Cochran, Stephenson, & Donkervoet, Inc. dissolved as of October 1, 2009; and

WHEREAS, The firm of Cochran, Stephenson, & Donkervoet, Inc. has assigned all previous contracts with Montgomery County Public Schools to Hord Coplan Macht, Inc.; and

WHEREAS, The firm of Hord Coplan Macht, Inc. has agreed to assume all terms and conditions of current and previous contracts, including pricing; and

WHEREAS, Hord Coplan Macht, Inc. also has agreed to maintain key staff from Cochran, Stephenson, & Donkervoet, Inc. to continue into the construction phase of the Farmland Elementary School modernization project; now therefore be it

Resolved, That the Board of Education approve the assignment from Cochran, Stephenson & Donkervoet Inc., and the assumption by Hord Coplan Macht, Inc. for the Farmland Elementary School modernization project as well as the completed addition projects at John T. Baker Middle School, Farmland Elementary School, Stedwick Elementary School, Luxmanor Elementary School, and the feasibility study contract for Georgian Forest Elementary School; and be it further

Resolved, That the Board president and secretary be authorized to execute the assignment and assumption agreement on behalf of the Board of Education.

RESOLUTION NO. 474-09Re: **AWARD OF CONTRACT – FOX CHAPEL  
ELEMENTARY SCHOOL ADDITION  
PROJECT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, The following sealed bids were received on October 6, 2009, for the Fox Chapel Elementary School addition project:

<u>Bidder</u>	<u>Amount</u>
Henley Construction Company, Inc.	\$4,931,900
Keller Brothers, Inc.	5,126,000
Dustin Construction, Inc.	5,471,000
Tuckman-Barbee Construction Company, Inc.	5,574,600
Scheibel Construction	5,642,000

GFG Builders, Inc.	5,679,000
Towson Mechanical, Inc.	5,979,835
John W. Brawner Contracting Company, Inc.	6,069,400
Maggin Construction Company, Inc.	6,395,000
Roy Kirby & Sons, Inc.	6,567,000

and

WHEREAS, The low bidder, Henley Construction Company, Inc. has asked to withdraw its bid due to an error; and

WHEREAS, State procurement statutes give vendors the right to withdraw bids if sufficient evidence is provided to demonstrate that a pricing error was made that would cause an unfair economic burden; and

WHEREAS, The low bidder has provided documentation to support an error in its bid; and

WHEREAS, The goal for the Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 18 percent; and

WHEREAS, The second low bidder, Keller Brothers, Inc. has submitted 16.03 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which .91 percent is African American, 2.92 percent is women-owned, and 12.19 percent is other minority-owned; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only Maryland Department of Transportation-certified minority businesses can be used to satisfy the project Minority Business Enterprise goal of 18 percent; and

WHEREAS, Keller Brothers, Inc. has submitted a waiver for the balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Keller Brothers, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$5,126,000 contract be awarded to Keller Brothers, Inc. for the Fox Chapel Elementary School addition project, in accordance with drawings and specifications prepared by JK Architects + Associates, Inc.

RESOLUTION NO. 475-09Re: **AWARD OF CONTRACT – JACKSON ROAD  
ELEMENTARY SCHOOL ADDITION  
PROJECT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, The following sealed bids were received on October 27, 2009, for the Jackson Road Elementary School addition project:

<u>Bidder</u>	<u>Amount</u>
Henley Construction Company, Inc.	\$4,429,500
Scheibel Construction	4,492,000
John W. Brawner Contracting Company, Inc.	4,542,133
Tuckman-Barbee Construction Company, Inc.	4,560,400
Keller Brothers, Inc.	4,566,800
R. J. Crowley, Inc.	4,698,457
Dustin Construction, Inc.	4,740,400
William F. Klingensmith, Inc.	4,750,900
GFG Builders, Inc.	4,824,000
Maggin Construction Company, Inc.	4,848,500
Sumter Contracting Corp.	5,084,650

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 16 percent; and

WHEREAS, The low bidder, Henley Construction Company, Inc., has submitted 7.6 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 1 percent is African American, 2.5 percent is women-owned, and 4.1 percent is other minority-owned; and

WHEREAS, It is noted that 3.2 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation also has been submitted, totaling 10.8 percent Minority Business Enterprise participation; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only Maryland Department of Transportation-certified minority businesses can be used to satisfy the project Minority Business Enterprise goal of 16 percent; and

WHEREAS, Henley Construction Company, Inc. has submitted a waiver for the balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Henley Construction Company, Inc. has not met the project Minority Business Enterprise goal of 16 percent; however, staff is working with Henley Construction Company, Inc. to increase minority participation on the project; and

WHEREAS, Henley Construction Company, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$4,429,500 contract be awarded to Henley Construction Company, Inc. for the Jackson Road Elementary School addition project, in accordance with drawings and specifications prepared by Samaha Associates, P.C.

RESOLUTION NO. 476-09Re: **AWARD OF CONTRACT – SURFACE-MOUNTED SWING DOOR OPERATORS FOR CLASSROOM BUILDINGS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, The following unit price proposal was received October 12, 2009, for the installation of surface-mounted swing door operators:

<u>Bidder</u>	<u>Amount</u>
Atlantic Door Control, Inc.	\$2,950

and

WHEREAS, Atlantic Door Control, Inc. has completed similar work successfully for Montgomery County Public Schools; and

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

Resolved, That a contract be awarded to Atlantic Door Control, Inc. for the installation of surface-mounted swing door operators as needs arise at the unit price of \$2,950 each.

RESOLUTION NO. 477-09Re: **ROCKING HORSE ROAD CENTER –  
DECLARATION OF EASEMENT**

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

WHEREAS, The Board of Education has installed a sewer service connection across two separate land parcels that comprise the Rocking Horse Road Center, located at 4910 Macon Road in Rockville, in connection with the addition of modular classrooms; and

WHEREAS, The Washington Suburban Sanitary Commission requested that the Board of Education record a declaration of easement to itself in order to memorialize the location of the sewer line, thus burdening one parcel for the benefit of the other in the event that the parcels should ever cease to be united under the same ownership; and

WHEREAS, The declaration of easement, consisting of 2,708 square feet, 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 declaration of easement consisting of 2,708 square feet for a sewer line and service connection at the Rocking Horse Road Center.

RESOLUTION NO. 478-09Re: **LAYTONSVILLE ELEMENTARY SCHOOL –  
GRANT OF EASEMENT AND RIGHT-OF-  
WAY**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Laytonsville Elementary School, located at 21401 Laytonsville Road in Laytonsville; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,510 square feet configured in three separate parcels, is needed for the installation of a water main and appurtenances to serve the Town of Laytonsville; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the initial expense and liability for damages or injury resulting from the installation and 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 and will provide a connection site for public water service to the school; 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 1,510 square feet to the Washington Suburban Sanitary Commission at Laytonsville Elementary School; and be it further

Resolved, That a fee of \$755 be paid to Montgomery County Public Schools by the Washington Suburban Sanitary Commission, for the subject easement and right-of-way.

RESOLUTION NO. 479-09Re: **FUTURE LAYTONSVILLE MIDDLE SCHOOL  
SITE - GRANT OF EASEMENT AND RIGHT-  
OF-WAY**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at the future Laytonsville Middle School site, located on Warfield Road in Laytonsville; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,962 square feet, is needed for the installation of a water main and appurtenances to serve the Town of Laytonsville; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the initial expense and liability for damages or injury resulting from the installation and 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 future school programming and recreational activities and will provide a connection site should the site be developed as a school; 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 1,962 square feet to the Washington Suburban Sanitary Commission at the future Laytonsville Middle School site.

RESOLUTION NO. 480-09Re: **UTILIZATION OF THE FY 2010 PROVISION  
FOR FUTURE SUPPORTED PROJECTS  
FUNDS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

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 \$206,143 within the FY 2010 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
Ambassadors Invested in Mentorship	\$ 154,259
Infants and Toddlers	<u>51,884</u>
Total	<u>\$ 206,143</u>

and be it further

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

**RESOLUTION NO. 481-09Re: FY 2010 FIRST QUARTER CATEGORY AND OBJECT TRANSFERS REQUEST**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously:#

WHEREAS, Montgomery County Public Schools must report each transfer between state categories to the county executive and County Council; and

WHEREAS, Categorical transfers are required at this time for grant funded projects; now therefore be it

Resolved, That the superintendent of schools be authorized to effect FY 2010 categorical transfers of \$108,791 in the following categories:

**IDEA—Least Restrictive Environment Prekindergarten Inclusion Project**

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education		\$
			1,206
12	Fixed Charges	\$ 1,206	
	Total	<u>\$ 1,206</u>	<u>\$</u> <u>1,206</u>

**IDEA—Transition, Dropout, Graduation Gap Project**

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education	\$ 855	
12	Fixed Charges		\$
	Total	<u>\$ 855</u>	<u>\$</u> <u>855</u>

**Title IV—Safe and Drug Free Schools Project**

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries		\$ 6,921
4	Textbooks and Instructional Supplies	\$ 8,954	
5	Other Instructional Costs		4,688
12	Fixed Charges	2,655	
	Total	<u>\$ 11,609</u>	<u>\$</u> <u>11,609</u>

**Title II—Enhancing Education through Technology Project**

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 13,000	
5	Other Instructional Costs		\$
	Total	<u>\$ 13,000</u>	<u>\$</u> <u>13,000</u>

**Reading First Project**

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration		\$ 38,398
3	Instructional Salaries	\$ 24,033	
4	Textbooks and Instructional Supplies		33,723
5	Other Instructional Costs	29,111	
12	Fixed Charges	<u>18,977</u>	

Total	<u>\$ 72,121</u>	<u>\$ 72,121</u>
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**12 Digital Library Project**

	<u>From</u>	<u>To</u>
3 Instructional Salaries	\$ 9,118	
4 Textbooks and Instructional Supplies		\$ 10,000
5 Other Instructional Costs	<u>882</u>	
Total	<u>\$ 10,000</u>	<u>\$ 10,000</u>

and be it further

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

**RESOLUTION NO. 482-09 Re: HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated November 10, 2009.

**RESOLUTION NO. 483-09 Re: DEATH OF MR. ROGER D. ROBINETTE, MEDIA SERVICES TECHNICIAN, SPRINGBROOK HIGH SCHOOL**

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

WHEREAS, The death on October 2, 2009, of Mr. Roger D. Robinette, media services technician at Springbrook High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mr. Robinette was a very responsible and dedicated employee during his 29 years of employment with Montgomery County Public Schools; and

WHEREAS, Mr. Robinette was a positive member of the media center team and always incorporated new strategies into dealing with daily situations; 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 Mr. Roger D. Robinette and extend deepest sympathy to his family; and be it further

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

RESOLUTION NO. 484-09Re: **DEATH OF ERNESTINE E. SCHOOLS, BUS ATTENDANT, SHADY GROVE SOUTH DEPOT**

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

WHEREAS, The death on October 20, 2009, of Ms. Ernestine W. Schools, bus attendant, Department of Transportation, Shady Grove South Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 28.2 years that Ms. Schools had worked for Montgomery County Public Schools, she demonstrated confidence and dedication while she worked with special needs students; and

WHEREAS, Ms. Schools was patient and understanding, very dependable and displayed a positive attitude when working with staff members; 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 Ernestine E. Schools 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. Schools' family.

RESOLUTION NO. 485-09 Re: **DEATH OF ROSA M. SILVA, BUS ATTENDANT, SHADY GROVE SOUTH DEPOT**

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

WHEREAS, The death on October 18, 2009, of Ms. Rosa M. Silva, bus attendant, Department of Transportation, Shady Grove South Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the six years that Ms. Rosa M. Silva worked for Montgomery County Public Schools, she had always been a reliable and dependable team player; and

WHEREAS, Ms. Silva had a great personality, was very professional at all times, and genuinely cared about all students; 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. Rosa M. Silva 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. Silva's family.

**Re: MONTHLY FINANCIAL REPORT**

Staff reported that this financial report reflects the actual financial condition of Montgomery County Public Schools as of September 30, 2009, and projections through June 30, 2010, based on program requirements and estimates made by primary and secondary account managers. At this time, revenues have a projected surplus of \$400,000, while expenses have a projected surplus of \$9,900,000. Staff will continue to closely monitor both revenues and expenditures.

**Re: DISCUSSION**

The Board has received a large number of emails about cutbacks that were made to the Winston Churchill High School signature programs. Ms. Berthiaume asked staff to provide information on the budget efficiencies that were implemented at Winston Churchill, as well as to address the status of the signature programs' cuts, action(s) taken, and what other measures may be necessary.

Mr. Durso inquired about the number of long-term substitutes currently employed.

**Re: GOAL 1: ENSURE SUCCESS FOR EVERY STUDENT - K-5 LITERACY**

Dr. Weast invited the following people to the table: Dr. LaVerne Gray Kimball, community superintendent, Office of School Performance; Dr. Catherine R. Allie, director, Skillful Teaching and Leading Team, Office of Organizational Development; Mrs. Ann E. Bedford, director, School Support, Interventions, and Assessments, Office of Curriculum and Instructional Programs; Mrs. Niki T. Hazel, principal, Gaithersburg Elementary School; and Mr. A. Raymond Myrtle, principal, Highland Elementary School.

MCPS is committed to giving every student the opportunity to learn at the highest levels

and leave high school prepared for college. The Board of Education has made a significant investment in our youngest learners with an explicit focus on literacy. Students who can read at advanced levels in elementary school are more likely to be successful in rigorous courses in high school and more likely to be prepared for college when they graduate from high school.

The process of reading is complex and requires principals and teachers to have a deep understanding of reading and a strong commitment to high expectations for all students. MCPS uses a balanced literacy framework, which is designed to help students read, write, speak, and listen. This approach allows for a combination of teaching methods that will support a variety of learning styles, reaching a greater range of students.

In schools with successful reading programs, there are structures and practices in place to analyze data, a coherent approach to reading, and ongoing monitoring of individual student reading performance. Across the district, there have been significant increases in reading performance at the elementary level. However, disparities continue to exist, and the school system is working to address them.

The M-Stat process provides an extraordinary opportunity for principals and school leaders to address those disparities. Through their study of the latest research, analysis of student data, sharing of best practices, and collaboration with colleagues, principals are taking strong steps to improve literacy programs and increase proficiency for all students.

Although progress in reading performance is being made, every effort must be made to eliminate the disparities that exist among student groups, particularly for African American, Hispanic, English language learners, and special education students. The Elementary Reading M-Stat Team will continue this work with a concentrated focus on these student groups.

A major initiative of MCPS is the development of grade-level literacy expectations for Grades 3–5, as well as benchmarks and measurements for transition from elementary to middle and from middle to high school. These tools will outline expectations and guide decision making in course placement, acceleration, and intervention.

#### Re: **DISCUSSION**

Mr. Barclay thanked the team for its amazing work. He pointed out the emphasis on writing by reading nonfiction material. Staff responded that writing needs to be broken down into component parts, especially for those students who are not exposed daily to correct English language. This year staff is teaching transition words to help students learn complicated thought and ideas.

Mr. Barclay inquired about common planning time for teachers. Staff explained that common planning time is not a new concept, and it gives teachers the time to cover the

material and discuss teaching strategies. Ms. Brandman has learned that instruction varies from classroom to classroom; therefore, common planning time is essential.

Mr. Durso wanted to know the biggest challenge in teaching literacy. Staff stated that it was having the right staff working together to ensure student success.

### Re: **LEGISLATIVE PLATFORM**

Mr. Laura Steinberg, staff assistant, Legislative and Inter-Governmental Relations, presented the Legislative Platform for the 2010 session of the Maryland General Assembly for discussion. The Montgomery County Board of Education adopted its first legislative platform in 2001, in preparation for the 2002 legislative session. Since that time, the development, adoption, and distribution of a platform statement prior to the beginning of each legislative session has enhanced the effectiveness of Board advocacy on state budget and legislative issues.

The platform provides a vehicle for summarizing the Board's positions on priority issues without precluding the consideration of additional legislative and budget issues that arise during the legislative session. Similar to previous years' efforts, the 2010 document will be distributed to members of the General Assembly, partner organizations, and the community before and during the legislative session, and will be posted on the Board of Education's website.

The major recommendations fall within three categories: Funding/Accountability, Local Board Authority, and Students. Among the recommendations are:

#### **Funding/Accountability**

##### *Pension/Retirement*

- Continue full funding of the teacher retirement program and maintain as a state-funded categorical program.

##### *Maintenance of Effort*

- Continue current maintenance of effort provision.
- Prohibit penalizing school systems for noncompliance.

##### *School Construction*

- Provide adequate state capital funding in FY 2011.
- Consider expanding the state's bonding capacity to meet growing school facilities needs across the state.

##### *Operating Budget*

- Full commitment to the funding incorporated in Bridge to Excellence (BTE), including the Geographic Cost of Education Index (GCEI) and student transportation.
- Maintain teacher retirement as a state-funded categorical program.

#### *Special Education Non-Public Tuition*

- Restore the 80/20 cost-sharing formula of the Non-public Tuition Assistance Program.

#### *Public Funding for Private Schools*

- No appropriation of public funds, direct aid, tax credit, or vouchers for private and parochial schools.

#### *Comprehensive Master Plan*

- Require General Assembly approval for state superintendent to require additional information from local boards beyond requirements of *BTE*.
- Eliminate requiring state superintendent approval of Master Plan prior to local board's implementation.
- Allow a local board's strategic plan to satisfy the state's requirement for a comprehensive Master Plan.

### **Local Board Authority**

#### *Collective Bargaining*

- Maintain that matters for bargaining are considered to be mandatory, illegal, or permissible.
- Ensure that decision makers regarding negotiated matters have a background in education and are committed to act in the interest of all key stakeholders.
- Scrutinize the potential impact of binding arbitration on negotiations in the absence of developed standards or consideration of specific exceptions.

#### *Curriculum*

- Support local control of educational policy, administration, and curriculum.

#### *Charter Schools*

- Maintain local boards as the sole authority for establishing public charter schools.

### **Students**

#### *Compulsory Age of Attendance*

- Raise the compulsory age from 16 to 18.

- Ensure adequate supports to address issues that cause students to leave school.

#### *Early Childhood Education*

- Support statewide initiatives that provide funding for and access to affordable, high-quality, early childhood programs aligned with school system learning standards and goals.

#### *Nutrition and Health*

- Expand *Maryland Meals for Achievement* to include all eligible schools that choose to apply.

#### *School Safety*

- Fund innovative initiatives that address gang prevention and involvement and speak to strategies that ensure a safe and secure learning and working environment for students and staff.

### **Pension/Retirement**

In 2006, the General Assembly approved legislation that significantly improved Maryland's teacher pension system. The improvements provide critical support to employees and enhance the ability to attract and retain highly qualified staff to serve public school children in our county and across the state. Improvements in the pension system would be compromised by any shift in funding responsibility from the state to local governments that have no fiduciary obligation for the payment of teacher pensions. Additionally, transfer of responsibility from the state to the counties would in effect reverse the Bridge to Excellence commitment to increasing the state share of education funding.

#### *The Montgomery County Board of Education supports:*

- Maintaining the teacher retirement program as a state-funded categorical program.
- Full state funding of the teacher retirement program.

#### *The Montgomery County Board of Education opposes:*

- Any shift in funding responsibility from the state to the counties.
- Any imposition of a cap on the state's share of teacher retirement funding.

### **Maintenance of Effort**

The *Bridge to Excellence in Public Schools Act of 2003 (BTE)* requires significant increase in state funding without modifying the minimum maintenance of effort (MOE) requirement for county governments. Maintenance of effort, conceived as a floor to ensure a basic level of local support for education, requires each district receive the same local appropriation per pupil in the subsequent year that was provided during the current year. Even when fully funded, MOE does not address other rising costs of commodities such as fuel, unfunded

mandates, or other inflationary increases to annual budgets, including salary and employee benefit increases. Funds for one-time projects do not count toward the requirement, if approved by the Maryland State Department of Education.

If a county cannot afford to pay the minimum amount because of serious economic trouble, it may petition the State Board of Education for a waiver. However, the State Board does not take into account agreements between local governments and boards of education when reviewing waiver requests. Moreover, currently, school systems, not local governments, are penalized if MOE is not met by a local government effectively creating a double penalty: loss of local aid coupled with denial of any increase in basic state aid.

*The Montgomery County Board of Education supports:*

- Continuing current maintenance of effort provision.
- Changes in the maintenance of effort formula to require that local funding is consistent with the adequacy goals of *BTE*.
- Holding school systems harmless for noncompliance by local governments.

*The Montgomery County Board of Education opposes:*

- Additional waivers to maintenance of effort provisions.
- Placing any penalty for noncompliance on local school systems.
- Blanket legislative waiver with no clear funding requirement.
- Establishing criteria by which waivers are automatically granted.

### **Capital Budget/School Construction**

State construction funds continue to be inadequate to meet the substantial capital funding needs. School construction costs dramatically exceed state and local appropriations. Enrollment growth, coupled with maintenance needs in older schools, continues to put enormous pressures on school facilities. Limited state funding has forced Montgomery County to forward-fund critical projects that are eligible for state funding. Moreover, without adequate funding, overreliance on portable classrooms and increasingly aging facilities will become the norm.

*The Montgomery County Board of Education supports:*

- Adequate state capital funding for FY 2011 to address school facility needs.
- Expanding the state's bonding capacity to meet Maryland's growing school facility needs.
- Revising current standards for the Interagency Committee square footage allowances for new and modernized schools to eliminate penalty for building additional classrooms intended to reduce class size in support of student achievement.
- Developing a mechanism to ensure locally forward-funded projects remain eligible for state funding, even after the project has been completed.

- Changing the Public School Construction Program to address inequities in funding needs related to the size and location of an LEA.
- Establishing incentives for green and energy-efficient school construction.

*The Montgomery County Board of Education opposes:*

- Any effort to reduce the \$1.23 million Aging School Program funds legislated for Montgomery County.
- Any reduction to the state and local cost share formula.
- Any change to the threshold requirements for prevailing wages.

### **Operating Budget**

The *Bridge to Excellence in Public Schools Act of 2003 (BTE)* was broadly conceived to ensure both adequacy and equity in education funding and relies on the Geographic Cost of Education Index (GCEI) and inflation adjustments to meet that mandate. GCEI was funded at 60 percent in FY 2009 and fully funded in FY 2010 using federal stimulus funds, which will sunset in FY 2012. Last year, the inflation adjustment was eliminated until FY 2012.

*The Montgomery County Board of Education supports:*

- Full commitment to the funding incorporated in BTE, including the GCEI and student transportation.
- Resumption of the annual inflation adjustment.
- Additional funding to support English for Speakers of Other Languages by recognizing the additional resources necessary both to educate Limited English Proficient students and to fulfill mandated monitoring and reporting.
- Maintaining teacher retirement as a state-funded categorical program.
- Reimbursement for students placed by state agencies at RICA, as well as reimbursement for educational programming.

*The Montgomery County Board of Education opposes:*

- Any retreat from funding identified in BTE.
- Additional state mandates, unless accompanied by sufficient and ongoing state funding.

### **Special Education Nonpublic Tuition**

Montgomery County Public Schools (MCPS) and the Maryland State Department of Education (MSDE) share the costs for providing services for special education students who are served in nonpublic schools. The Nonpublic Tuition Assistance Program has been beneficial in supporting our obligation to provide appropriate services to students who require intensive special education services. The program requires local school systems to pay 300 percent of the average per-pupil cost plus 30 percent of any amount in excess; MSDE is required to fund the remaining 70 percent.

*The Montgomery County Board of Education supports:*

- Restoring the 80/20 cost-sharing formula of the Nonpublic Tuition Assistance Program.

*The Montgomery County Board of Education opposes:*

- Any attempts to increase the local share of tuition for special education students served in nonpublic schools.

### **Public Funding for Private Schools**

Nonpublic schools are neither subject to state accountability measures nor to the same legal requirements as public schools, such as those set out in special education laws and teacher certification regulations. With the increasing unmet needs in public schools, state funds must be targeted to address the needs of public school students in Montgomery County and throughout the state.

*The Montgomery County Board of Education supports:*

- Strong accountability for all public dollars spent on education.

*The Montgomery County Board of Education opposes:*

- Appropriation of public funds for private and parochial schools.
- Direct aid to private and parochial students.
- Tuition tax credits, vouchers, or tax credits as a means of reimbursing parents who choose to send their children to private or parochial schools.
- Continuation or expansion of providing textbooks to private schools.

### **Comprehensive Master Plan**

The *Bridge to Excellence in Public Schools Act of 2003* (BTE) requires all Maryland school systems to develop a five-year comprehensive master plan that describes goals, objectives, and strategies to improve student performance and to align the district's budget with the plan's goals and objectives. For school systems with robust strategic plans that include goals, objectives, and strategies, creating a separate master plan both requires extensive effort with little added value and duplicates work already done.

The Montgomery County Public Schools (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, is the outcome of a rigorous, systematic, systemic, results-driven strategic planning process that is responsive to and aligned with student and stakeholder needs. The strategic planning process employed addresses the requirements of, and is aligned with, the *Maryland Bridge to Excellence Act*.

*The Montgomery County Board of Education supports:*

- Requiring the state superintendent to allow a local school board's strategic plan to serve as a comprehensive master plan as long as it describes the goals,

- objectives, and strategies used to improve student achievement, as well as meet state and local performance standards for all students, as specified in the BTE.
- Eliminating the state superintendent's ability to require additional information from local boards beyond the requirements of the BTE, without the approval of the General Assembly.
  - Eliminating the requirement that a county board cannot implement a plan until it is approved by the state superintendent.

RESOLUTION NO. 486-09Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Ms. Brandman and seconded by Mrs. O'Neill, the following amendment was adopted unanimously:

Resolved, That the Board of Education amend the Legislative Platform under Maintenance of Effort to read:

*The Montgomery County Board of Education supports:*

- Continuing the current maintenance of effort provision that mandates the county governing body to appropriate funds to the school operating budget in an amount no less than the product of enrollment for the current fiscal year and the per-pupil local appropriation for the prior fiscal year.
- Requiring the local education funding amounts are no less than the previous year's level, despite fluctuation in enrollment.
- Holding school systems harmless for Maintenance of Effort (MOE) noncompliance by local governments by requiring the state to transfer from state disbursements or county state aid to school system state aid the amount by which counties failed to meet MOE.

*The Montgomery County Board of Education opposes:*

- Any amendments to statute or regulations regarding
  1. Legal requirements to satisfy the minimum MOE requirement.
  2. Limiting the application of the nonrecurring costs exemption.
  3. The process for requesting waivers from the MOE requirement.
  4. Criteria by which waivers would be automatically granted.
  5. Blanket legislation waiver with no clear funding requirement.

RESOLUTION NO. 487-09Re: **AN AMEDNMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform under Maintenance of Effort to read:

*The Montgomery County Board of Education opposes:*

- Imposing any penalty for the failure of Montgomery County and Prince George's County to meet FY 2010 MOE requirements.

RESOLUTION NO. 488-09Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform under Capital Budget/School Construction to read:

The Montgomery County Board of Education supports:

- Establishing that the distribution of school construction funds be equal to the percentage share of student enrollment statewide.

RESOLUTION NO. 489-09Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following amendment was adopted unanimously:

Resolved, That the Board of Education amend the Legislative Platform under Operating Budget to read:

*The Montgomery County Board of Education supports:*

- Mandating GCEI funding.

RESOLUTION NO. 490-09Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform under Students to read:

*The Montgomery County Board of Education supports:*

- Local legislation expanding the Student Member of the Board of Education (SMOB) voting rights to be equal to those of adult Board members, with the exception that the SMOB shall not vote on negative personnel matters.

RESOLUTION NO. 491-09Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform under Capital Budget/School Construction to read:

*The Montgomery County Board of Education supports:*

- MCPS, as a quasi-state agency, is not required to submit permits to municipal agencies, other than for storm water management and forest conservation, but nevertheless has voluntarily complied with the municipal permitting process. Over time, irregularities in the interpretation of applicable codes by county and municipal permitting authorities have created unnecessary and costly changes to both MCPS facility designs and construction timing.

Generally, state construction is subject to review, approval, and inspection by state regulatory agencies. However, given the limitations on state resources, state regulatory agencies are not in a position to provide permitting services for MCPS projects.

RESOLUTION NO. 492-09Re: **LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education adopt the following Legislative Platform:

**Pension/Retirement**

In 2006, the General Assembly approved legislation that significantly improved Maryland's teacher pension system. The improvements provide critical support to employees and enhance the ability to attract and retain highly qualified staff to serve public school children in our county and across the state. Improvements in the pension system would be compromised by any shift in funding responsibility from the state to local governments that have no fiduciary obligation for the payment of teacher pensions. Additionally, transfer of responsibility from the state to the counties would in effect reverse the Bridge to Excellence commitment to increasing the state share of education funding.

*The Montgomery County Board of Education supports:*

- Maintaining the teacher retirement program as a state-funded categorical program.
- Full state funding of the teacher retirement program.

*The Montgomery County Board of Education opposes:*

- Any shift in funding responsibility from the state to the counties.
- Any imposition of a cap on the state's share of teacher retirement funding.

### **Maintenance of Effort**

The *Bridge to Excellence in Public Schools Act of 2003 (BTE)* requires significant increase in state funding without modifying the minimum maintenance of effort (MOE) requirement for county governments. Maintenance of effort, conceived as a floor to ensure a basic level of local support for education, requires each district receive the same local appropriation per pupil in the subsequent year that was provided during the current year. Even when fully funded, MOE does not address other rising costs of commodities such as fuel, unfunded mandates, or other inflationary increases to annual budgets, including salary and employee benefit increases. Funds for one-time projects do not count toward the requirement, if approved by the Maryland State Department of Education.

If a county cannot afford to pay the minimum amount because of serious economic trouble, it may petition the State Board of Education for a waiver. However, the State Board does not take into account agreements between local governments and boards of education when reviewing waiver requests. Moreover, currently, school systems, not local governments, are penalized if MOE is not met by a local government effectively creating a double penalty: loss of local aid coupled with denial of any increase in basic state aid. **Schools and students should be held harmless from the consequences of any unusual or unforeseen fiscal circumstances.**

*The Montgomery County Board of Education supports:*

- Continuing the current maintenance of effort provision that mandates the county governing body to appropriate funds to the school operating budget in an amount no less than the product of enrollment for the current fiscal year and the per pupil local appropriation for the prior fiscal year.
- Requiring that local education funding amounts are no less than the previous year's level, despite fluctuation in enrollment.
- Holding school systems harmless for MOE noncompliance by local governments by requiring the state to transfer from state disbursements or county state aid to school system state aid the amount by which counties failed to meet MOE.

*The Montgomery County Board of Education opposes:*

- Any amendments to statute or regulations regarding
  1. Legal requirements to satisfy the minimum MOE requirement.

2. Limiting the application of the nonrecurring costs exemption.
  3. The process for requesting waivers from the MOE requirement.
  4. Criteria by which waivers would be automatically granted.
  5. Blanket legislation waiver with no clear funding requirement.
- Imposing any penalty for the failure of Montgomery County or Prince George's County to meet FY2010 MOE requirements.

### **Capital Budget/School Construction**

State construction funds continue to be inadequate to meet the substantial capital funding needs. School construction costs dramatically exceed state and local appropriations. Enrollment growth, coupled with maintenance needs in older schools, continues to put enormous pressures on school facilities. Limited state funding has forced Montgomery County to forward-fund critical projects that are eligible for state funding. Moreover, without adequate funding, overreliance on portable classrooms and increasingly aging facilities will become the norm.

*The Montgomery County Board of Education supports:*

- Adequate state capital funding for FY 2011 to address school facility needs.
- Expanding the state's bonding capacity to meet Maryland's growing school facility needs.
- Establishing that the distribution of school construction funds be equal to the percentage share of student enrollment statewide.
- Revising current standards for the Interagency Committee square footage allowances for new and modernized schools to eliminate penalty for building additional classrooms intended to reduce class size in support of student achievement.
- Developing a mechanism to ensure locally forward-funded projects remain eligible for state funding, even after the project has been completed.
- Changing the Public School Construction Program to address inequities in funding needs related to the size and location of an LEA.
- Establishing incentives for green and energy-efficient school construction.

*The Montgomery County Board of Education opposes:*

- Any effort to reduce the \$1.23 million Aging School Program funds legislated for Montgomery County.
- Any reduction to the state and local cost share formula.
- Any change to the threshold requirements for prevailing wages.

MCPS, as a quasi-state agency, is not required to submit permits to municipal agencies, other than for storm water management and forest conservation, but nevertheless has voluntarily complied with the municipal permitting process. Over time, irregularities in the interpretation of applicable codes by county and municipal permitting authorities have created unnecessary and costly changes to both MCPS facility designs and construction

timing.

Generally, state construction is subject to review, approval, and inspection by state regulatory agencies. However, given the limitations on state resources, state regulatory agencies are not in a position to provide permitting services for MCPS projects.

*The Montgomery County Board of Education supports:*

- Local legislation that authorizes MCPS projects to be reviewed and permitted through the Montgomery County Department of Permitting Services.

### **Operating Budget**

The *Bridge to Excellence in Public Schools Act of 2003 (BTE)* was broadly conceived to ensure both adequacy and equity in education funding and relies on the Geographic Cost of Education Index (GCEI) and inflations adjustments to meet that mandate. GCEI was funded at 60 percent in FY 2009 and fully funded in FY 2010 using federal stimulus funds, which will sunset in FY 2012. Last year, the inflation adjustment was eliminated until FY 2012.

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- Mandating GCEI funding.
- Resumption of the annual inflation adjustment.
- Additional funding to support English for Speakers of Other Languages by recognizing the additional resources necessary both to educate Limited English Proficient students and to fulfill mandated monitoring and reporting.
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- Reimbursement for students placed by state agencies at RICA, as well as reimbursement for educational programming.

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- Additional state mandates, unless accompanied by sufficient and ongoing state funding.

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Montgomery County Public Schools (MCPS) and the Maryland State Department of Education (MSDE) share the costs for providing services for special education students who are served in nonpublic schools. The Nonpublic Tuition Assistance Program has been beneficial in supporting our obligation to provide appropriate services to students who require intensive special education services. The program requires local school systems to pay 300 percent of the average per-pupil cost plus 30 percent of any amount in excess; MSDE is required to fund the remaining 70 percent.

*The Montgomery County Board of Education supports:*

- Restoring the 80/20 cost-sharing formula of the Nonpublic Tuition Assistance Program.

*The Montgomery County Board of Education opposes:*

- Any attempts to increase the local share of tuition for special education students served in nonpublic schools.

### **Public Funding for Private Schools**

Nonpublic schools are neither subject to state accountability measures nor to the same legal requirements as public schools, such as those set out in special education laws and teacher certification regulations. With the increasing unmet needs in public schools, state funds must be targeted to address the needs of public school students in Montgomery County and throughout the state.

*The Montgomery County Board of Education supports:*

- Strong accountability for all public dollars spent on education.

*The Montgomery County Board of Education opposes:*

- Appropriation of public funds for private and parochial schools.
- Direct aid to private and parochial students.
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### **Comprehensive Master Plan**

The *Bridge to Excellence in Public Schools Act of 2003* (BTE) requires all Maryland school systems to develop a five-year comprehensive master plan that describes goals, objectives, and strategies to improve student performance and to align the district's budget with the plan's goals and objectives. For school systems with robust strategic plans that include goals, objectives, and strategies, creating a separate master plan both requires extensive effort with little added value and duplicates work already done.

The Montgomery County Public Schools (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, is the outcome of a rigorous, systematic, systemic, results-driven strategic planning process that is responsive to and aligned with student and stakeholder needs. The strategic planning process employed addresses the requirements of, and is aligned with, the *Maryland Bridge to Excellence Act*.

*The Montgomery County Board of Education supports:*

- Requiring the state superintendent to allow a local school board's strategic plan to serve as a comprehensive master plan as long as it describes the goals,

- objectives, and strategies used to improve student achievement, as well as meet state and local performance standards for all students, as specified in the BTE.
- Eliminating the state superintendent's ability to require additional information from local boards beyond the requirements of the BTE, without the approval of the General Assembly.
  - Eliminating the requirement that a county board cannot implement a plan until it is approved by the state superintendent.

### **Collective Bargaining**

Currently, local boards of education and employee organizations must negotiate all matters that relate to salaries, wages, hours, and other working conditions. Among prohibited matters are school calendar and class size. If a board and employee organization cannot agree on whether an item is mandatory, illegal, or permissible, the State Board of Education is responsible for resolving the dispute.

If and when negotiations reach an impasse, current law requires an arbitrator to try to bring the board and employee organization into agreement. If unsuccessful, a fact-finding report is written for the benefit of all parties. The report is advisory and intended to assist in finding agreement. However, if no agreement is reached, then the local board of education is authorized to make a final decision regarding items that were negotiated.

*The Montgomery County Board of Education supports:*

- Maintaining that matters for bargaining are considered to be mandatory, illegal, or permissive.
- Ensuring that decision makers regarding negotiated matters have an expertise in education and are committed to act in the interest of all key stakeholders.
- Ensuring that policy decisions that affect the education of students be made with full consideration of and input from staff, students, their parents, and the local community.
- Ensuring that the fiscal implications associated with any changes to collective bargaining are fully considered.
- Preserving the current two-prong test to determine the distinction between matters that are predominantly working conditions and those that are predominantly educational policy in bargaining.
- Promotion of interest-based bargaining as an effective, collaborative strategy for negotiation between willing parties.
- Further scrutiny of the potential impact of binding interest and binding grievance arbitration on negotiations in the absence of developed standards or consideration of specific exceptions.
- In the event of a jurisdictional change at the state level over collective bargaining for public education, that irrespective of the change, the precedent-setting value of decisions rendered to that point carries over.

*The Montgomery County Board of Education opposes:*

- Allowing class size, school calendar, or any matter already covered by statutory law to be a permissible subject of negotiation.
- Mandating specific content in a negotiated agreement.
- Including in impasse proceedings any permissive subject of negotiations upon which the parties have not mutually agreed to negotiate.

## **Curriculum**

In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for content standards and curriculum. The State Board establishes state standards and the local boards adopt and implement locally developed programs with local funding to ensure that these standards are met. Local boards of education can best balance educational practices, available resources, public input, and accountability.

*The Montgomery County Board of Education supports:*

- Maintaining the authority of local boards of education to determine educational policy, curriculum, and administration.
- Retaining decision-making authority at the local level.

*The Montgomery County Board of Education opposes:*

- Any efforts by the General Assembly to legislate curriculum, firmly believing that this role belongs to local boards of education in conjunction with the State Board.

## **Charter Schools**

In 2003, the General Assembly enacted legislation that created a charter school program. While the *Maryland Public Charter School Act* establishes an alternative means within a public school system to provide teaching and learning, there remains the need for a strong accountability system to ensure that any public charter school funds are appropriately spent.

*The Montgomery County Board of Education supports:*

- Reaffirming that the sole authority for establishing public charter schools is vested in local boards of education with an appropriate procedure for appeals of local decisions.
- Defining “commensurate funding” as resources equal to what is allocated to similar schools in the district, excluding central administrative expenditures and other expenditures that may be provided in kind.

*The Montgomery County Board of Education opposes:*

- Efforts to expand charter school authority beyond local school boards.
- Efforts to weaken academic or fiscal accountability requirements.

- Funding requirements that give charter schools more resources per student than other public schools in each district.
- Any attempt to deprive charter school employees of the rights and responsibilities of other public employees.

### **Compulsory Age of Attendance**

Currently, Maryland requires children between the ages of 5 and 15 to attend school. Upon turning 16, a student is permitted on his/her own to permanently withdraw from school. While school staff must conduct and document an exit interview with any student who seeks to drop out, parental approval is not required.

The decision to drop out can be life changing. While students drop out for myriad complex reasons reflecting their unique life circumstances, it is often the culmination of a longer process of disengaging from instruction. For dropouts, the consequences can be severe. In our changing economy, workers need at least a high school diploma to compete in the workforce. A 2007 Maryland Task Force to Study Raising the Compulsory Public School Attendance Age to 18 noted that students who drop out of high school face “harsh futures” characterized by lower wages, disproportionate representation in prisons, and shorter overall life spans. The costs to society also were described, including greater dependency on public assistance among dropouts and high incarceration costs for the population.

Raising the compulsory age of attendance alone is not a silver bullet and, in isolation, will not resolve the underlying issues and causes of students dropping out. However, it is critical that our laws and policies limit the ease by which students can drop out of school, knowing the long-term consequences of such action. Additionally, any real or sustainable impact will take place only if requiring students to stay in school beyond age 16 is accompanied by engaging instruction and personal supports.

*The Montgomery County Board of Education supports:*

- Raising the compulsory age from 16 to 18.
- Providing adequate supports to address the issues that caused students to leave school.

### **Early Childhood Education**

Montgomery County Public Schools (MCPS) believes that investments in early childhood education are both wise and essential to ensuring success for every student. The Task Force on Universal Preschool Education recently recommended creation of a voluntary, free, standards-based universal preschool program for all 4-year-olds. MCPS is a significant partner in Montgomery County’s Early Childhood Initiative, which ensures that family-focused programs and services for young children are neighborhood-based, effective, responsive to cultural diversity, make a measurable, positive difference in children’s well-being, and help prepare them for success in school.

*The Montgomery County Board of Education supports:*

- State fiscal support for any expansion of local prekindergarten services.
- Statewide initiatives supporting high quality early childhood programs, including child care.
- Efforts that encourage the provision of an array of services by a variety of agencies.
- Maximum use of community organizations to provide prekindergarten services, with commitment to support of local curriculum requirements.

### **Nutrition and Health**

Thousands of low-income children in Maryland depend on school meals for the nutrition they need to learn and grow. *Maryland Meals for Achievement* provides funding for schools with high concentrations of poverty to provide breakfast to all students, regardless of family income. Most recently, of the 62 eligible schools to apply for the program, only 29 were approved. The Maryland State Department of Education (MSDE) would only accept applications for the currently enrolled schools and a priority list for those eligible but not in the program. Additionally, the *Summer Food Service Program* ensures that children in lower income areas continue to receive nutritious meals during the summer months when school breakfasts and lunches are not available.

*The Montgomery County Board of Education supports:*

- Expansion of *Maryland Meals for Achievement* as an entitlement to include all eligible schools that choose to apply.
- Efforts to increase federal funding for the *Summer Food Service Program*.

*The Montgomery County Board of Education opposes:*

- Limiting the number of eligible schools from participation in *Maryland Meals for Achievement*.

### **Safety and Security**

Safety in public schools has become increasingly important as threats to national and community security have taken on new meaning. The prevention of disruption and violence has always been a key component of long-term effective school safety strategies. The pursuit of a safe environment must be tempered by a balanced emphasis on the protection of individual student rights.

*The Montgomery County Board of Education supports:*

- Innovative initiatives and funding that address gang prevention and involvement and promote targeted interventions to reduce gang activity.
- Innovative initiatives and funding that speak to strategies that ensure a safe and secure learning and working environment for students and staff.

*The Montgomery County Board of Education opposes:*

- Statewide approach to discipline that limits a school system's ability to respond to unique and unusual circumstances.
- Unnecessary mandates on school systems that divert resources from programs that directly help students.

### **Home Schooling**

Maryland law recognizes home instruction as an alternative to public school enrollment and as a means for students to receive regular, thorough instruction. Currently, home school students are expressly authorized to participate in public school standardized testing.

*The Montgomery County Board of Education opposes:*

- Any requirement that home school students be allowed to participate in public school athletics or other extracurricular activities.

### **Student Member of Boards of Education**

The position of student member of the Board of Education (SMOB) is established by the Annotated Code of Maryland, with rights varying from jurisdiction to jurisdiction. Some jurisdictions have SMOBs with extremely limited powers, while in at least one instance the SMOB has the same powers as the adult elected member of the Board.

With the exceptions of boundary changes, capital and operating budgets, collective bargaining, negative personnel matters, and school closings, the Montgomery County SMOB has a vote equal to those of the seven adult Board members. The SMOB has a vote on issues such as administrative appointments and policy, as well as a vote on the appeals that the Board decides in its quasi-judicial role.

*The Montgomery County Board of Education supports:*

- Local legislation expanding the SMOB's voting rights to be equal to those of adult Board members with the exception that the SMOB shall not vote on negative personnel matters.

RESOLUTION NO. 493-09Re: **TENTATIVE ACTION ON POLICY EID, TAX DEFERRED ANNUITY PROGRAM**

On motion of the Policy Committee, the following resolution was adopted unanimously:

WHEREAS, Policy EID, *Tax Deferred Annuity Program*, sets forth the Montgomery County Board of Education's commitment to provide defined contribution retirement savings programs for all employees; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy EID, Tax Deferred Annuity Program; and

WHEREAS, The Montgomery County Board of Education has received recommendations from the Fiscal Management Committee and the Policy Committee; now therefore be it

Resolved, That the Montgomery County Board of Education takes tentative action on Policy EID, Tax Deferred Annuity Program; and be it further

Resolved, That Policy EID, Tax Deferred Annuity Program, be sent out for public comment.

### **Defined Contribution Retirement Savings Plans**

#### A. PURPOSE

To provide defined contribution retirement savings programs for all employees.

#### B. PROCESS AND CONTENT

1. Defined contribution retirement savings programs will be available to all employees.
2. The Board of Education will authorize carriers to provide these programs.
3. All carriers shall comply with Montgomery County Public Schools requirements for solicitation, conduct, and disclosure of costs or shall lose their right to participate.
4. A review of the performance and service of the companies will be made every two years to determine if they should continue in these plans.

#### C. REVIEW AND REPORTING

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

### RESOLUTION NO. 494-09Re: **POLICY GIJ, OPERATING FUND INVESTMENTS**

On motion of the Policy Committee, the following resolution was adopted unanimously:

WHEREAS, The Board of Education Policy Committee has considered and recommends the creation of new Policy GIJ, *Operating Fund Investments*; and

WHEREAS, Policy GIJ, *Operating Fund Investments*, sets forth the Montgomery County Board of Education's commitment to providing guidance for the investment of operating

funds; and

WHEREAS, The Montgomery County Board of Education has received recommendations from the Fiscal Management Committee and the Policy Committee; now therefore be it

Resolved, That the Montgomery County Board of Education takes tentative action on Policy GIJ, *Operating Fund Investments*; and be it further

Resolved, That Policy GIJ, *Operating Fund Investments*, be sent out for public comment.

### **Operating Fund Investments**

#### A. PURPOSE

This policy establishes the investment scope, objectives, and guidelines for the investment of school district operating funds.

#### B. ISSUE

It is important to ensure that operating fund investments comply with all state laws relating to investments. It also is important to guarantee that investment vehicles meet the primary criteria of prudence, safety of principal, liquidity, and market rate of return. This policy applies to cash operating funds of the school district only. Montgomery County Public Schools (MCPS) draws cash as needed from the Montgomery County Government, based on weekly projections, and receives additional cash from other entities such as the state of Maryland that requires short-term investment.

#### C. POSITION

1. The scope of this policy shall be operating funds.

Guidelines for the investment of MCPS Employees' Retirement and Pension System investments are provided in the Investment Policy of the Retirement and Pension Board of Investment Trustees.

Guidelines for the investment of MCPS Other Post Employment Benefits (OPEB) Trust investments are provided in the Investment Policy of the OPEB Board of Investment Trustees.

Guidelines for the investment of schools' Independent Activity Funds (IAF) are provided in the *Manual of Policies and Procedures for Administering Independent Activity Funds*.

2. The primary objectives of the investment of operating funds are:
  - a) Legality  

Operating funds shall be invested in accordance with this policy, local government investment guidelines adopted by the Maryland State Treasurer, and any other applicable law.
  - b) Safety of Principal  

The investment of operating funds shall be undertaken in a manner that seeks to ensure the preservation of capital.
  - c) Liquidity  

The operating funds shall be invested to assure that funds are available to meet immediate payment requirements.
  - d) Maximum Return  

The investment of operating funds shall be managed in a manner to attain a market rate of return consistent with legal restrictions, risk, and prudent investment practices while preserving and protecting invested capital and taking into account constraints on risk and cash flow requirements.
3. The investment of the operating funds will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

#### D. DESIRED OUTCOMES

1. A strategy and process that ensure safety and security of investment capital, liquidity to meet cash flow requirements, and a market rate of return on invested funds.
2. The superintendent of schools or his/her designee and the Board of Education shall monitor compliance with the objectives of this policy.

#### E. REVIEW AND REPORTING

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

RESOLUTION NO. 495-09      Re:    **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:

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, December 8, 2009, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:30 to 1:30 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. 496-09Re:    **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:

On October 26, 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 October 26, 2009, from 5:30 to 6:15 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and approved the minutes for July 14 and July 27, 2009.
2. Unanimously approved the Decision and Order in Matter 2009-35 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*): 2009-31, 2009-32, and 2009-35.
4. Discussed the Sexual Harassment Quarterly Report: July–September 2009 as permitted under Section 10-508(a)(2) of the *State Government Article*.
5. Discussed the compensation of current employees as permitted under Section 10-508(a)(1) of the *State Government Article*.

In attendance at the closed session for appeals were Chris Barclay, Laura Berthiaume, Shirley Brandman, Pat Clancy, Judy Docca, Mike Durso, Tim Hwang, Phil Kauffman, Suzann King, Patricia O'Neill, Glenda Rose, and Laura Steinberg. At 6:00 p.m., the following staff joined the Board in closed session: Aggie Alvez, Steve Bedford, Larry Bowers, Brian Edwards, Frieda Lacey, Jody Leleck, Chris Richardson, Stacy Scott, Dana Tofig, and Jerry Weast.

RESOLUTION NO. 497-09Re: **APPEALS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, 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* 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>
2009-23	Personnel Dismissal
2009-33	Student Placement

RESOLUTION NO. 498-09 Re: **MINUTES**

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

Resolved, That the Board of Education approve the minutes from its meetings of August 27, September 8, September 21, October 6, October 13, and October 29, 2009.

Re: **BOARD COMMITTEE UPDATES**



A = affirmative; N = negative; O = absent; AB = abstain

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