

APPROVED  
9-2010

Rockville, Maryland  
March 9, 2010

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, Rockville, Maryland, on March 9, 2010, at 10:15 a.m.

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

Absent: None

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

\*\* Mr. Hwang was temporarily absent from the meeting.

RESOLUTION NO. 105-10 Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on March 9, 2010, in Room 120 from 9:00 to 10:00 a.m. and 12:30 to 1:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County 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 receive legal advice, more specifically a legal briefing on Policy CNA, *Informational Material and Announcements*, and related matters, 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 dedicate part of the closed sessions on March 9, 2010, 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 10-508(a) of the *State Government Article*; and be it further

Resolved, That the meeting continue in closed sessions until the completion of business.

Re: **PLEDGE OF ALLEGIANCE**

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

RESOLUTION NO. 106-10 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for March 9, 2010.

RESOLUTION NO. 107-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0741, Charter Schools - Certificated Professional Employees - Exemption from Collective Bargaining Agreements**, which would exempt charter schools and their certificated professional employees from provisions that govern other public schools and other public school employees; authorizing these employees be represented by existing employee organization, or to form their own employee organization, for purpose of collective bargaining.

RESOLUTION NO. 108-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0738, Education - Public Charter School Facilities – Financing**, which would establish the Public Charter School Facilities Debt Reserve Fund; providing for the uses and administration of the Fund; requiring State Department of Education to examine and provide a report on the feasibility of and the mechanism for providing per-pupil facilities aid for public charter schools.

RESOLUTION NO. 109-10            Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0366, Education - Public Charter School Facility Revolving Loan Fund**, which would establish the Public Charter School Facility Revolving Loan Fund; stating the purpose of the Fund; authorizing specified applicants to obtain loans from the Fund.

RESOLUTION NO. 110-10            Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0786, Public Schools - State Aid for School Construction - Planning and Design Costs**, which would require the Board of Public Works to include the cost of planning and design as an approved public school construction or capital improvement cost; requiring the Board of Public Works, at the recommendation of the Interagency Committee on School Construction, to adopt specified regulations; providing for the termination of the Act.

RESOLUTION NO. 111-10            Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **HB1125, Stormwater Management - Development Projects - Redevelopment and Preliminary Plan Approval**, which would establish specified requirements for redevelopment project design; authorizing developer to make fee-in-lieu payment to local government to offset specified stormwater management requirements; requiring the fee-in-lieu payment to be an amount determined by a local government and used for specified purposes; authorizing a person to submit stormwater management plan that complies with specified laws and regulations if development project receives specified approvals before May 4, 2010.

RESOLUTION NO. 112-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly opposes **SB0959, State Retirement and Pension System - Local Employer Contributions - Educators and Educational Staff**, which would provide for the calculation of a payment of a portion of the employer contributions for local school board employees and community college employees who are members of the Teachers' Retirement System or the Teachers' Pension System; requiring counties to pay a portion of the employer contributions for local school board employees and community college employees who are members of the Teachers' Retirement System or the Teachers' Pension System.

RESOLUTION NO. 113-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB1014, Education - Maintenance of Effort Requirement - Waiver and Appeal Process**, which would alter the date by which a county governing body must make a request to the State Board of Education for a waiver from the maintenance of effort requirement; clarifying the maintenance of effort requirement for which a county or Baltimore City may apply for a waiver; requiring the State Board to grant a waiver, subject to specified limitations, under specified circumstances.

Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports with an amendment that there is no reduction in overall state aid on **HB1036/SB866, Education - Enrollment - Average Daily Attendance, HB1154, Education Funding Formula - Average Daily Attendance**, which would require specified enrollment calculations used for education aid to be based on average daily attendance.

RESOLUTION NO. 114-10      Re:    **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by

Ms. Berthiaume, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education has no position on **HB1036/SB866, Education - Enrollment - Average Daily Attendance, HB1154, Education Funding Formula - Average Daily Attendance**, which would, require specified enrollment calculations used for education aid to be based on average daily attendance.

RESOLUTION NO. 115-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strong opposes **SB0835, Equity in State Aid to Counties Act of 2010, HB1214, Equity in Education Funding Act of 2010**, which would alter the calculation of specified distributions to counties based on per capita yield of county income taxes; altering the definition of "net taxable income" in the calculation of specified State aid for education by changing a specified date.

RESOLUTION NO. 116-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB1228, Fair Funding for Public Schools**, which would alter the definition of "full-time equivalent enrollment" in the calculation for specified State aid for education; and applying the Act to the calculation of payments of State aid for education for fiscal years beginning after June 30, 2011.

RESOLUTION NO. 117-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0952, Great Preschools Tax Credit Program**, which would allow an individual or a corporation a credit against the State income tax for contributions to specified scholarship-granting organizations; providing for the carryover of unused credits for 3 years; requiring scholarship-granting organizations to take specified actions to be eligible for donations for which a tax credit may be claimed; requiring the Comptroller to administer the Great Preschools Tax Credit Program; applying the Act to taxable years after 2009.

RESOLUTION NO. 118-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0781, *Teachers and Other Personnel - Transfer - Notice***, which would require a county superintendent to provide a specified individual with written notice of the reason for the transfer at least 10 days before the transfer of the individual.

RESOLUTION NO. 119-10            Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0759, *Early Child Care and Education Enhancement Program - Annual Report***, which would require the State Department of Education to include information about participating agencies and programs, the agencies' and programs' expenditures, and enrollment and statewide performance data in its annual report relating to the Judith P. Hoyer Early Child Care and Education Enhancement Program.

RESOLUTION NO. 120-10            Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0879, *Public Safety - Pool Personnel - Regulation (Connor's Law)***, which would require the Secretary of Health and Mental Hygiene to adopt regulations requiring the owners of specified types of swimming pools to have on the premises when the pool is in operation one lifeguard and one adult who holds current certificates in specified first aid training.

RESOLUTION NO. 121-10            Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB 0273, *Public Safety - Pool Personnel - Regulation (Connor's Law)***, which would require the Secretary of Health and Mental Hygiene to adopt regulations requiring the owners of specified types of swimming pools to have one lifeguard on duty for each group of 25 or fewer individuals in the water.

RESOLUTION NO. 122-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0604, *College and Career Readiness Act of 2010***, which would require specified State agencies to adopt a definition of college and career readiness; requiring the adoption of a common assessment and benchmarks to show progress toward college readiness; requiring strategies and curricula to be developed and implemented to ensure students are college ready and are successful in college.

RESOLUTION NO. 123-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0899, *Education Reform Act of 2010***, which would alter the probationary period of employment of a certificated employee; altering specified procedures related to probationary period of employees; requiring a county board of education to evaluate annually a nontenured certificated employee based on established performance evaluation criteria.

RESOLUTION NO. 124-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly opposes **HB1371, *Public Schools - Student Gang Activity - Records and Reporting***, which would require public schools to maintain a record of an individual determined to be a school gang member; requiring a record of a public school student determined to be a school gang member to be a part of an individual's permanent school record and to be reported to an individual's teachers; requiring specified records to be reported to a law enforcement unit; and defining the term "school gang member."

RESOLUTION NO. 125-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **HB1165, Education - Offenses Reportable to School Authorities**, which would amend specified definitions, including the definition of "reportable offense," to include specified violations of the Criminal Law Article and the attempt to commit specified crimes; and requiring a law enforcement agency to report the arrest of a student for a reportable offense to a local superintendent and the public or nonpublic school principal.

RESOLUTION NO. 126-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly supports **SB0836, Education - Students Arrested for Reportable Offenses - Prohibition Against Attending School with Victim**, which would authorize a local school superintendent and a school principal to prohibit a student who is arrested for a reportable offense from attending the same school or riding on the same school bus as the alleged victim; prohibiting a student convicted of or adjudicated delinquent for a reportable offense involving rape or a sexual offense from attending the same school or riding the same school bus as the alleged victim.

RESOLUTION NO. 127-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports with amendments **HB1160, Safe Schools Act of 2010**, which would require the juvenile court to notify a specified school official that a child has been found to be delinquent, in need of assistance, or in need of supervision and committed to a specified agency under specified circumstances; adding specified offenses to a list of offenses for which a student is arrested that are required to be reported to specified school officials under specified circumstances.

Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0865, Education - Student-Athletes – Concussions**, which would require the State Department of Education, in

collaboration with specified organizations and individuals, to develop and implement a specified program to provide awareness and training to coaches, school personnel, student-athletes, and the parents or guardians of student-athletes on the nature and risks of concussion, the criteria for return to play, and risks of not reporting injury and continuing to play.

RESOLUTION NO. 128-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports with amendments, among other to bifurcate the youth sports leagues, **SB0865, Education - Student-Athletes – Concussions**, which would require the State Department of Education, in collaboration with specified organizations and individuals, to develop and implement a specified program to provide awareness and training to coaches, school personnel, student-athletes, and the parents or guardians of student-athletes on the nature and risks of concussion, the criteria for return to play, and risks of not reporting injury and continuing to play.

Re:    **ITEM OF LEGISLATION**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following resolution failed unanimously by members present:

Resolved, That the Board of Education opposes **HB0911, Education - Tween/Teen Dating Violence (Kristin Marie Mitchell Law)**, which would require the State Board of Education to adopt in public schools a specified program on dating violence; altering the definition of "victim of domestic violence"; requiring the Governor to proclaim the first week in February each year "Tween/Teen Dating Violence Education and Awareness Week."

Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes with amendments on the specific requirements for implementation as well as detailed reasons for opposition to **HB0911, Education - Tween/Teen Dating Violence (Kristin Marie Mitchell Law)**, which would

require the State Board of Education to adopt in public schools a specified program on dating violence; altering the definition of "victim of domestic violence"; requiring the Governor to proclaim the first week in February each year "Tween/Teen Dating Violence Education and Awareness Week."

RESOLUTION NO. 129-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education takes no position on **HB0911, Education - Tween/Teen Dating Violence (Kristin Marie Mitchell Law)**, which would require the State Board of Education to adopt in public schools a specified program on dating violence; altering the definition of "victim of domestic violence"; requiring the Governor to proclaim the first week in February each year "Tween/Teen Dating Violence Education and Awareness Week."

RESOLUTION NO. 130-10      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports with amendment **HB0973, Public Schools - Maryland Youth Crisis Hotline - Distribution of Information**, which would require each county board of education to provide students in the 6th through 12th grades with the telephone number of the Maryland Youth Crisis Hotline; requiring specified schools to hold a schoolwide assembly during the first month of each year; requiring specified schools to send information about the Maryland Youth Crisis Hotline to parents or guardians of before the school year begins each year.

Re:    **PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Susan Burke	Bullying
2. Lyda Astrove	Encore
3. Fred Mosher	Bullying
4. Allyson Wilson	Spanish Immersion

Ms. Berthiaume asked for an update on the Encore/IEP process.

Re:    **BOARD/SUPERINTENDENT COMMENTS**

Mr. Durso commented on reading to elementary students at Rachel Carson and Great Seneca Creek.

Dr. Docca reported that she had (1) read to students at Highland View, Great Seneca Creek, and Rachel Carson elementary schools; and (2) attended the Alpha Phi Alpha Black Heritage program honoring heroes, such as the Tuskegee Airmen.

Ms. Berthiaume reported that she spent time at the Central Kitchen. The impetus for her visit is the reauthorization of the Child Nutrition Act in Congress. Since federal policies drive a lot of what MCPS does, she will be working with staff to make recommendations so that the act can be improved and how school systems are affected.

Mr. Barclay stated that Mr. Hwang wanted the Board to know the results of the nominating committee for student Board member—Nick Maggio and Alan Xie. Mr. Barclay associated himself with Dr. Docca's observations of the Alpha Phi Alpha program. Further, there was a Jack and Jill of America spelling bee and debate at Montgomery College. Finally, the Parent Academy held a session on "Meet and Greet Your Board of Education Members," which was an informal meeting with the community.

Ms. Brandman noted that she had testified in Annapolis in support of raising the compulsory age of attendance.

Mrs. O'Neill reported that she testified in Annapolis in support of the bill to waive the Maintenance of Effort penalty against MCPS in FY 2010. All of the Montgomery County delegation has signed on to that legislation.

Dr. Weast quickly commented on legislative mandates and state funds for construction, which are proportional to the numbers of students.

\*\* Mr. Hwang joined the meeting at this point.

Re: **FINAL ACTION, POLICY JHF, *BULLYING, HARASSMENT, OR INTIMIDATION***

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

WHEREAS, Policy JHF, *Bullying, Harassment, or Intimidation*, sets forth the Board's commitment to maintaining a school environment free from bullying, harassment, or intimidation so that schools are a safe place in which to learn; and

WHEREAS, Policy JHF, *Bullying, Harassment, or Intimidation*, directs the Montgomery

County Public Schools (MCPS) to implement a systemwide prevention and intervention program; and

WHEREAS, The draft Policy JHF, *Bullying, Harassment, or Intimidation*, was adopted tentatively by the Montgomery County Board of Education on October 26, 2009, and sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received the Policy Committee's recommendations; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy JHF, *Bullying, Harassment, or Intimidation*.

### **BULLYING, HARASSMENT, OR INTIMIDATION**

#### **A. PURPOSE**

The Montgomery County Board of Education (Board) is committed to an environment that is free of bullying, harassment, or intimidation so that schools are a safe place in which to learn. Bullying, harassment, or intimidation is disruptive to learning and can adversely affect academic achievement, emotional well-being, and school climate.

The Board of Education is committed to prohibiting verbal, physical or written (including electronic) bullying, harassment, or intimidation of any person on school property, on school buses, or at school-sponsored functions.

The Board of Education is further committed to prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are bullied, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.

#### **B. ISSUE**

The prevention of bullying, harassment, or intimidation as well as the prevention of retaliation against individuals who report acts of bullying, harassment, or intimidation requires a systemwide effort involving prevention and intervention training with students, administration, and school staff. Students who are bullied, and those who bully others, may experience a range of significant health, safety, and educational risks.

As used in this policy, "bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct or an intentional electronic

communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

- Motivated by an actual or perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or,
- Threatening or seriously intimidating; and,
- Occurs on a school property, at a school activity or event, or on a school bus; or,
- Substantially disrupts the orderly operation of a school.

"Electronic Communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

#### C. POSITION

Montgomery County Public Schools (MCPS) will implement a program to identify bullying, harassment, or intimidation; implement prevention programs that are proven to be effective, intervene when bullying, harassment, or intimidation occurs; implement intervention strategies; and provide outside referrals if needed. The prohibition of bullying, harassment, or intimidation in schools, and reprisal and retaliation against individuals who report acts of bullying, harassment, or intimidation, as well as consequences and remedial actions, must be included as a part of a systemwide prevention and intervention program. Components of such a program must include:

##### 1. Prevention and Intervention

- a) Periodic and ongoing professional development for administrators and staff members to increase understanding and awareness of the prevalence, causes, and consequences of bullying, harassment, or intimidation, and to increase the use of research-based strategies, remedial measures, and consequences for preventing bullying, harassment, or intimidation. Professional development also should include how to respond to students who are bullied, students who bully, and students who are bystanders.
- b) Student involvement in bullying, harassment, or intimidation prevention efforts, such as programs that foster peer support, mutual respect, sensitivity to diversity and culture, which encourage students to report incidents of bullying to adults.

- c) Communication and interaction with families and the community to inform parents about the prevalence, causes, and consequences of bullying, harassment, or intimidation and strategies for supporting their children.
- d) Collaboration with community health and mental health resources to communicate that bullying, harassment, or intimidation is a public health hazard and that health resources are available to students who are bullied, students who bully, and students who are bystanders.
- e) A range of interventions developed to prevent bullying, harassment, or intimidation while ensuring the safety of students who are bullied.

## 2. Consequences and Remedial Actions

Consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations of bullying should be consistently and fairly applied in accordance with MCPS Regulation JFA-RA, *Student Rights and Responsibilities*.

## 3. Procedures for Reporting Acts of Bullying, Harassment, or Intimidation

- a) The system shall provide to schools procedures that are convenient, safe, private, and age-appropriate for reporting acts of bullying, harassment, or intimidation.
- b) Students, staff, and parents shall be informed of the reporting procedures at each school, including the availability of MCPS Form 230-35: *Bullying, Harassment, or Intimidation Reporting*.
- c) Reporting of bullying, harassment, or intimidation incidents shall be encouraged and supported by MCPS. MCPS shall communicate a clear message that reporting will lead to help for students who are bullied, students who bully, and students who are bystanders.

## 4. Procedures for the Prompt Investigation of Acts of Bullying, Harassment, or Intimidation.

- a) The principal or designee shall promptly investigate all reports of bullying, harassment, or intimidation and implement remedial

measures and consequences as appropriate.

- b) School administrators shall promptly notify parents of students involved in a bullying incident.
  - c) After the investigation has concluded, staff members will conduct individual and private conferences with both the student who was bullied and the student who bullied to determine if the bullying, harassment, or intimidation has continued.
5. Support Services to be Made Available to the Student Who is Bullied, the Student Who Bullies, and Bystanders

If a student expresses a desire to discuss an incident of bullying, harassment, or intimidation with a staff member, the staff member will make an effort to provide the student with a practical, safe, private, and age-appropriate way of doing so.

The system shall maintain and make readily available to students and families a list of support services that are available to students who are bullied, students who bully, and students who are bystanders within both the schools and the community.

#### D. DESIRED OUTCOME

Schools will provide prevention and intervention strategies, as well as consequences and support, to create an educational environment that is free of bullying, harassment, or intimidation.

#### E. IMPLEMENTATION STRATEGIES

1. The superintendent of schools will develop regulations for implementing this policy that specify the name and contact information of the Maryland State Department Education employee who is familiar with the reporting and investigating procedures in MCPS; procedures for reporting and investigating incidents of bullying, harassment, or intimidation; support provided for students who are bullied, students who bully, and students who are bystanders; consequences or remedial actions; and the process for publicizing those procedures.
2. The superintendent of schools will develop educational and professional development programs for students and staff in the effort to implement this policy and prevent bullying, harassment, and intimidation in schools.

3. All regulations developed in support of Board-adopted policies shall be sent to the Board as items of information.

F. REVIEW AND REPORTING

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

RESOLUTION NO. 131-10      Re:    **AN AMENDMENT TO THE FINAL ACTION,  
POLICY JHF, *BULLYING, HARASSMENT,  
OR INTIMIDATION***

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

Resolved, That the Board of Education add the following language at the end of Section B. to read:

As used in this policy bullying may include but not be limited to physical (hitting, pushing, shoving), verbal (being teased, threatened, coerced, made fun of, called derogatory names) or relational (spreading rumors, being left out, or ostracized)

\*\* Mr. Durso left the meeting at this point.

RESOLUTION NO. 132-10      Re:    **FINAL ACTION, POLICY JHF, *BULLYING,  
HARASSMENT, OR INTIMIDATION***

On motion of the Policy Committee, the following motion was adopted unanimously by members present:

WHEREAS, Policy JHF, *Bullying, Harassment, or Intimidation*, sets forth the Board's commitment to maintaining a school environment free from bullying, harassment, or intimidation so that schools are a safe place in which to learn; and

WHEREAS, Policy JHF, *Bullying, Harassment, or Intimidation*, directs the Montgomery County Public Schools (MCPS) to implement a systemwide prevention and intervention program; and

WHEREAS, The draft Policy JHF, *Bullying, Harassment, or Intimidation*, was adopted tentatively by the Montgomery County Board of Education on October 26, 2009, and sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received the Policy Committee's recommendations; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy JHF, *Bullying, Harassment, or Intimidation*.

### **BULLYING, HARASSMENT, OR INTIMIDATION**

#### **A. PURPOSE**

The Montgomery County Board of Education (Board) is committed to an environment that is free of bullying, harassment, or intimidation so that schools are a safe place in which to learn. Bullying, harassment, or intimidation is disruptive to learning and can adversely affect academic achievement, emotional well-being, and school climate.

The Board of Education is committed to prohibiting verbal, physical or written (including electronic) bullying, harassment, or intimidation of any person on school property, on school buses, or at school-sponsored functions.

The Board of Education is further committed to prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are bullied, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.

#### **B. ISSUE**

The prevention of bullying, harassment, or intimidation as well as the prevention of retaliation against individuals who report acts of bullying, harassment, or intimidation requires a systemwide effort involving prevention and intervention training with students, administration, and school staff. Students who are bullied, and those who bully others, may experience a range of significant health, safety, and educational risks.

As used in this policy, "bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

- Motivated by an actual or perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity,

religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or,

- Threatening or seriously intimidating; and,
- Occurs on a school property, at a school activity or event, or on a school bus; or,
- Substantially disrupts the orderly operation of a school.

“Electronic Communication” means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.

As used in this policy bullying may include but not be limited to physical (hitting, pushing, shoving), verbal (being teased, threatened, coerced, made fun of, called derogatory names) or relational (spreading rumors, being left out or ostracized).

#### C. POSITION

Montgomery County Public Schools (MCPS) will implement a program to identify bullying, harassment, or intimidation; implement prevention programs that are proven to be effective, intervene when bullying, harassment, or intimidation occurs; implement intervention strategies; and provide outside referrals if needed. The prohibition of bullying, harassment, or intimidation in schools, and reprisal and retaliation against individuals who report acts of bullying, harassment, or intimidation, as well as consequences and remedial actions, must be included as a part of a systemwide prevention and intervention program. Components of such a program must include:

##### 1. Prevention and Intervention

- a) Periodic and ongoing professional development for administrators and staff members to increase understanding and awareness of the prevalence, causes, and consequences of bullying, harassment, or intimidation, and to increase the use of research-based strategies, remedial measures, and consequences for preventing bullying, harassment, or intimidation. Professional development also should include how to respond to students who are bullied, students who bully, and students who are bystanders.
- b) Student involvement in bullying, harassment, or intimidation prevention efforts, such as programs that foster peer support, mutual respect, sensitivity to diversity and culture which encourage students to report incidents of bullying to adults.

- c) Communication and interaction with families and the community to inform parents about the prevalence, causes, and consequences of bullying, harassment, or intimidation and strategies for supporting their children.
- d) Collaboration with community health and mental health resources to communicate that bullying, harassment, or intimidation is a public health hazard and that health resources are available to students who are bullied, students who bully, and students who are bystanders.
- e) A range of interventions developed to prevent bullying, harassment, or intimidation while ensuring the safety of students who are bullied.

## 2. Consequences and Remedial Actions

Consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations of bullying should be consistently and fairly applied in accordance with MCPS Regulation JFA-RA, *Student Rights and Responsibilities*.

## 3. Procedures for Reporting Acts of Bullying, Harassment, or Intimidation

- a) The system shall provide to schools procedures that are convenient, safe, private, and age-appropriate for reporting acts of bullying, harassment, or intimidation.
- b) Students, staff, and parents shall be informed of the reporting procedures at each school, including the availability of MCPS Form 230-35: *Bullying, Harassment, or Intimidation Reporting*.
- c) Reporting of bullying, harassment, or intimidation incidents shall be encouraged and supported by MCPS. MCPS shall communicate a clear message that reporting will lead to help for students who are bullied, students who bully, and students who are bystanders.

## 4. Procedures for the Prompt Investigation of Acts of Bullying, Harassment, or Intimidation.

- a) The principal or designee shall promptly investigate all reports of bullying, harassment, or intimidation and implement remedial

measures and consequences as appropriate.

- b) School administrators shall promptly notify parents of students involved in a bullying incident.
  - c) After the investigation has concluded, staff members will conduct individual and private conferences with both the student who was bullied and the student who bullied to determine if the bullying, harassment, or intimidation has continued.
5. Support Services to be Made Available to the Student Who is Bullied, the Student Who Bullies, and Bystanders

If a student expresses a desire to discuss an incident of bullying, harassment, or intimidation with a staff member, the staff member will make an effort to provide the student with a practical, safe, private, and age-appropriate way of doing so.

The system shall maintain and make readily available to students and families a list of support services that are available to students who are bullied, students who bully, and students who are bystanders within both the schools and the community.

#### D. DESIRED OUTCOME

Schools will provide prevention and intervention strategies, as well as consequences and support, to create an educational environment that is free of bullying, harassment, or intimidation.

#### E. IMPLEMENTATION STRATEGIES

1. The superintendent of schools will develop regulations for implementing this policy that specify the name and contact information of the Maryland State Department Education employee who is familiar with the reporting and investigating procedures in MCPS; procedures for reporting and investigating incidents of bullying, harassment, or intimidation; support provided for students who are bullied, students who bully, and students who are bystanders; consequences or remedial actions; and the process for publicizing those procedures.
2. The superintendent of schools will develop educational and professional development programs for students and staff in the effort to implement this policy and prevent bullying, harassment, and intimidation in schools.

3. All regulations developed in support of Board-adopted policies shall be sent to the Board as items of information.

F. REVIEW AND REPORTING

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

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed between 12:55 and 2:20 p.m. for lunch and closed session.

\*\* Mr. Durso rejoined the meeting.

RESOLUTION NO. 133-10      Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

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

1308.1	Job Order Contract—Extension **	
	<u>Awardee</u>	
	CDCI, Inc.*	\$100,000
4045.8	Telephone Equipment—Extension	
	<u>Awardees</u> (See note)	
	Capitol Cable & Technology, Inc.	
	Chesapeake Communications	
	Cumberland Electronics, Inc.	
	Graybar Electric Company, Inc.	
	Total	\$180,000
4058.4	Office Furniture—Extension	

	<u>Awardees</u>	
	Douron, Inc.*	\$324,818
	Glover Equipment, Inc.	45,834
	MDM Office Systems, Inc.*	<u>119,544</u>
	Total	\$490,196
4061.4	Modular Computer Furniture—Extension	
	<u>Awardees</u>	
	Douron, Inc.*	\$161,680
	Glover Equipment, Inc.	81,017
	Spectrum Industries, Inc.	<u>4,038</u>
	Total	\$246,735
4063.10	Art Supplies	
	<u>Awardees</u>	
	Commercial Art Supply	\$ 26,768
	DGS Educational Products*	11,479
	Dick Blick East	4,954
	Elgin School Supply Company, Inc.	5,744
	Integrity School Supplies*	1,478
	Interstate Office Supply Company*	1,569
	Jackmans, Inc.	4,888
	National Art & School Supplies	3,945
	Quill Corporation	2,117
	Pyramid School Products	175,004
	School Specialty	1,086
	Standard Stationery Supply Company	27,421
	The Paper People	15,606
	Triarco Arts & Crafts, LLC	<u>3,393</u>
	Total	\$285,452
4065.10	Ceramic Supplies	
	<u>Awardees</u>	
	Bailey Pottery Equipment Corporation	\$ 1,204
	Campbells Ceramics Supply Company	58,073
	Chesapeake Ceramic Supply, Inc.	1,611
	DGS Educational Products*	1,647
	Pyramid School Products	<u>6,890</u>
	Total	\$ 69,425

4090.6	Envelopes—Extension	
	<u>Awardees</u>	
	Meadwestvaco Corporation	\$ 84,983
	Quill Corporation	<u>7,037</u>
	Total \$ 92,020	
4124.4	Library Furniture	
	<u>Awardees</u>	
	American Design Associates	\$ 545
	Brodart Company	4,109
	Demco, Inc.	4,303
	Douron, Inc.*	43,906
	Furniture by William Webb	1,087
	Young & Watson, Inc.	<u>20,847</u>
	Total	\$ 74,797
4202.1	Water and Indoor Air Quality Industrial Hygiene Service—Extension	
	<u>Awardees</u> (See note)	
	Building Dynamics, LLC	
	Chamber Environmental, Inc.	
	M. A. Cecil & Associates, Inc.	
	SAIC	
	Total	\$500,000
4240.1	Gestetner 9002 Copier Supplies and Parts	
	<u>Awardee</u>	
	Copiers Plus	\$ 30,000
7125.2	Transportation Services for MCPS Students—Extension	
	<u>Awardees</u> (See note)	
	Regency Cab, Inc.	
	Blue Star Group, Inc.	
	Total	\$200,000
9002.6	Door Hardware, Closures, and Exit Devices	
	<u>Awardees</u>	

	Independent Hardware, Inc.	\$111,993
	Taylor Security & Lock Company, Inc.	<u>138,438</u>
	Total	\$250,431
9003.4	Hardware Supplies—Extension	
	<u>Awardees</u>	
	MSF County Services Company	\$115,935
	Pikesville Lumber Company	<u>3,133</u>
	Total	\$119,068
9016.5	Electrical Supplies and Equipment—Extension	
	<u>Awardees</u>	
	Capitol Logistics, LLC*	\$ 8,364
	C. N. Robinson Lighting Supply Company	98,469
	Maurice Electric Supply Company, Inc.	252,426
	United Electric Supply	<u>404,000</u>
	Total	\$763,259
9058.9	Basketball Supplies and Equipment	
	<u>Awardees</u>	
	Anaconda Sports, Inc.	\$ 7,752
	Basketball Products International, Inc.	3,023
	Cannon Sports, Inc.*	20,998
	Pyramid School Products	3,539
	Sport Supply Group, Inc.	17,721
	Sports Stop, Inc.	1,554
	Truebounce, Inc.	<u>7,496</u>
	Total	\$ 62,083
9097.5	Removal/Disposal and Testing Underground Fuel Tanks—Extension	
	<u>Awardee</u>	
	Apex Environmental, Inc.	\$ 50,000
9190.4	Restroom Partition Replacement at Various Locations**	
	<u>Awardee</u>	
	Steel Products, Inc.*	\$145,025
9302.4	Installation of Carpeting, Resilient Flooring, and	

	Accessories—Extension**	
	<u>Awardee</u> Carpet Experts, Inc.*	\$800,000
9398.2	Retaining Walls and Stormwater Management Modifications—Extension**	
	<u>Awardee</u> Walker Willis/T/A Custom Masonry	\$300,000
9423.1	Energy Management Automation System Upgrade at Various Locations	
	<u>Awardee</u> Control Systems Sales, Inc.*	\$276,860
9679.1	Portable Fire Extinguisher and Kitchen Hood Fire Extinguisher— Extension**	
	<u>Awardee</u> BFPE International*	\$ 95,273
9688.1	Re-roofing at Stone Mill Elementary School**	
	<u>Awardee</u> R. D. Bean, Inc.	\$ 577,460
9692.1	Skylights Replacement at Quince Orchard High School**	
	<u>Awardee</u> J. E. Wood & Sons	\$ 296,672
9693.1	Replace Skylights at S. Christa McAuliffe Elementary School**	
	<u>Awardee</u> Orndorff & Spaid, Inc.	\$ 418,506
	TOTAL PROCUREMENT CONTRACTS OVER \$25,000	\$6,423,262

\* Denotes Minority-, Female-, or Disabled-owned Business  
 \*\* Planned Life-cycle Asset Replacement Bid (PLAR)

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 134-10

Re: **CONTRACT APPROVAL FOR BID NO.  
4087.9, OFFICE AND SCHOOL SUPPLIES**

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

WHEREAS, Funds have been budgeted for the purchase of office and school supplies through Bid No. 4087.9; now therefore be it

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

4087.9 Office and School Supplies

Awardees

Ace Office Supplies*	\$ 26,637
AFP Industries, Inc.*	170,978
American Product Distributors, Inc.*	1,577
Brame Specialty Company	7,800
Business Stationers	4,283
DGS Educational Products*	8,921
Discount Computer Supplies*	6,930
Elgin School Supply Company, Inc.	391
Impact Office Products	23,945
Integrity School Supplies*	90,408
Interstate Office Supply Company*	80,249
OfficeMax	2,777
Pyramid School Products	537,763
Quill Corporation	110,682
Rudolph's Office & Computer Supply, Inc.*	636
Standard Stationery Supply Company	<u>137,930</u>
Total	\$1,211,907

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

RESOLUTION NO. 135-10

Re: **CONTRACT APPROVAL FOR BID NO.  
9618.2, RESTROOM RENOVATIONS AT  
VARIOUS LOCATIONS**

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

WHEREAS, Funds have been budgeted for contractual services for the restroom renovations project at various locations; now therefore be it

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

9618.2 Restroom Renovations at Various Locations\*\*

Awardee

OMF Contractors, Inc.\*

\$1,423,425

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

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

RESOLUTION NO. 136-10 Re: **ARCHITECTURAL APPOINTMENTS –  
RELOCATABLE CLASSROOMS**

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

WHEREAS, Funds are appropriated annually in the Capital Improvements Program for the relocatable classroom project; and

WHEREAS, Architectural and engineering services are required for the development of site plans and associated permitting activities for the relocatable classroom project; and

WHEREAS, The number of relocatable classroom building moves requires architectural firms be employed to complete the planning activities in time to finish the relocation work before school starts in August 2010; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, selected JK Architects + Associates and The K Group as the most qualified firms to provide the necessary professional architectural and engineering services; and

WHEREAS, JK Architects + Associates and The K Group are Maryland Department of Transportation-certified minority firms; and

WHEREAS, JK Architects + Associates and The K Group are currently under contract to provide architectural and engineering services for relocatable classroom buildings for a fee of \$1,250 per site for design development and \$6,900 per site for construction

documents and permitting services; now therefore be it

Resolved, That the Montgomery County Board of Education extend the contractual agreements with the architectural firms of JK Architects + Associates and The K Group to provide professional architectural and engineering services as requirements arise for relocatable classroom moves for a fee of \$1,250 per site for design development and \$6,900 per site for construction documents and permitting services.

RESOLUTION NO. 137-10      Re:    **AWARD OF CONTRACTS – ON-CALL  
CONSTRUCTION SERVICES**

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

WHEREAS, It is necessary to have a pool of general contractors capable of responding to short-term, critical, facilities-related construction projects such as the projects funded in the Capital Improvements Program under the Americans with Disabilities Act Compliance and Building Modifications and Program Improvements projects; and

WHEREAS, Maryland State Finance and Procurement law allows Montgomery County Public Schools to accept separate submissions of technical prequalifications from general contractors interested in submitting competitive proposals for projects; and

WHEREAS, The Department of Facilities Management has advertised and evaluated the technical offers submitted to date from general contractors and will accept technical offers for consideration on a continuous basis throughout the year; and

WHEREAS, The Department of Facilities Management will maintain a current list of technically qualified general contractors; and

WHEREAS, The Department of Facilities Management will accept competitive proposals for projects from firms that are deemed technically qualified for the individual projects based on size, scope, and complexity; now therefore be it

Resolved, That the Department of Facilities Management accept technical offers and maintain a current list of general contractors that are deemed technically qualified; and be it further

Resolved, That the Department of Facilities Management be authorized to solicit competitive proposals for short-term, critical, facility-related projects from the list of qualified general contracting firms; and be it further

Resolved, That the Department of Facilities Management be authorized to award

contracts immediately after bid to the general contractor that submits the lowest cost proposal for a fee consistent with funding approved for projects in the Capital Improvements Program; and be it further

Resolved, That the list of awarded contracts will be sent to the Board of Education quarterly as an information item.

RESOLUTION NO. 138-10      Re:    **AWARD OF CONTRACTS – ON-CALL  
HEATING, VENTILATION, AND AIR  
CONDITIONING REPLACEMENT SERVICES**

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

WHEREAS, It is necessary to have a pool of technically qualified mechanical contractors to complete projects funded in the Capital Improvements Program under the Heating, Ventilation, and Air Conditioning Replacement Program; and

WHEREAS, Maryland State Finance and Procurement law allows Montgomery County Public Schools to accept separate submissions of technical prequalifications from mechanical contractors interested in submitting competitive proposals for projects; and

WHEREAS, The Department of Facilities Management has advertised and evaluated the technical offers submitted to date from mechanical contractors and will accept technical offers for consideration on a continuous basis throughout the year; and

WHEREAS, The Department of Facilities Management will maintain a current list of technically qualified mechanical contractors; and

WHEREAS, The Department of Facilities Management will accept competitive proposals for heating, ventilation, and air conditioning projects from the mechanical contractors that are deemed technically qualified for the individual projects based on size, scope, and complexity; and

WHEREAS, Short-term projects require an award of contract immediately after the bid to enable the mechanical contractor to place orders for equipment with long lead times and ensure the timely completion of the projects to coincide with the schools' cooling and heating seasons; now therefore be it

Resolved, That the Department of Facilities Management accept technical offers and maintain a current list of mechanical contractors that are deemed technically qualified; and be it further

Resolved, That the Department of Facilities Management be authorized to solicit competitive proposals for heating, ventilation, and air conditioning projects from the list of technically qualified mechanical contracting firms; and be it further

Resolved, That the Department of Facilities Management be authorized to award short-term contracts immediately after bid to the mechanical contractor that submits the lowest cost proposal for a fee consistent with funding approved for projects in the Capital Improvements Program; and be it further

Resolved, That the list of awarded contracts will be sent to the Board of Education quarterly as an information item.

RESOLUTION NO. 139-10      Re:    **CONSULTANT APPOINTMENT –  
CONSTRUCTABILITY ANALYSIS**

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

WHEREAS, It is necessary to appoint an engineering firm to provide professional constructability analysis services for construction projects on an as-needed basis; and

WHEREAS, A Professional Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Construction Consultants Associates, Inc. as the most qualified firm to provide the necessary professional constructability analysis services; and

WHEREAS, Staff will negotiate fees for the necessary constructability analysis services based on the size and complexity of individual projects; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the firm of Construction Consultants Associates, Inc. to provide professional constructability analysis services as requirements arise for a fee not to exceed \$90,000 for an individual project.

RESOLUTION NO. 140-10      Re:    **ENGINEERING APPOINTMENTS –  
HEATING, VENTILATION, AND AIR  
CONDITIONING REPLACEMENT PROGRAM**

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

WHEREAS, It is necessary to appoint engineering firms to provide professional design services for the heating, ventilation, and air conditioning equipment replacement program at various schools; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified B2E Consulting Engineers, P.C.; Brinjac Engineering, Inc.; Building Dynamics, LLC; Burdette, Koehler, Murphy & Associates; Gipe Associates, Inc.; James Posey Associates, Inc.; and Mendoza, Ribas, Farinas & Associates as the most qualified firms to provide the necessary professional design services for the heating, ventilation, and air conditioning systems; and

WHEREAS, Staff will negotiate fees for the necessary heating, ventilation, and air conditioning system design services based on the size and complexity of individual projects; and

WHEREAS, Staff has determined that a standard scope of design services is required for the heating, ventilation, and air conditioning equipment replacement program; now therefore be it

Resolved, That the Department of Facilities Management be authorized to execute a scope of services contract with the firms of B2E Consulting Engineers, P.C.; Brinjac Engineering, Inc.; Building Dynamics, LLC; Burdette, Koehler, Murphy & Associates; Gipe Associates, Inc.; James Posey Associates, Inc.; and Mendoza, Ribas, Farinas & Associates to establish contractual design responsibilities for all projects undertaken for a one-year period; and be it further

Resolved, That contractual agreements with the approved engineering firms will be negotiated for each project for a fee consistent with funding approved for projects in the Capital Improvements Program; and be it further

Resolved, That the list of awarded contracts be sent to the Board of Education quarterly as an information item.

RESOLUTION NO. 141-10

Re: **UTILIZATION OF THE FY 2010 PROVISION  
FOR FUTURE SUPPORTED PROJECTS  
FUNDS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mr. Barclay, 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 \$1,566,380 within the FY 2010 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions*</u>	<u>Amount</u>
Milk Container Recycling Project		\$ 109,622
Title III, Limited English Proficiency Project		13,196
Maryland Technology Proficiency Partnership Project		783,516
Howard Hughes Medical Institute Science Education Program	3.125	550,000
Head Start Extended Year Program	—	<u>110,046</u>
Total	<u>3.125</u>	<u>\$ 1,566,380</u>

Positions\*

1.0 instructional specialist  
.625 technical manager  
1.5 fiscal assistants

and be it further

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

RESOLUTION NO. 142-10      Re:    **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated march 9, 2010.

RESOLUTION NO. 143-10      Re:    **DEATH OF MS. JANICE E. MILLER, SPEECH PATHOLOGIST, STONEGATE ELEMENTARY SCHOOL**

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

WHEREAS, The death on January 27, 2010, of Ms. Janice E. Miller, speech pathologist, at Stonegate Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the more than nine years that Ms. Miller worked for Montgomery County Public Schools, she was very professional and respected by the students, parents, and teachers; and

WHEREAS, While Ms. Miller displayed a quiet, reserved style of leadership, she had a sincere concern for each child which she demonstrated throughout her teaching career; 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. Janice E. Miller 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. Miller's family.

RESOLUTION NO. 144-10            Re:    **DEATH OF MS. TAMMY S. WASHINGTON,  
BUILDING SERVICE ASSISTANT MANAGER  
II, BEL PRE ELEMENTARY SCHOOL**

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

WHEREAS, The death on February 22, 2010, of Ms. Tammy S. Washington, building service assistant manager II at Bel Pre Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 3.6 years Ms. Washington had worked for Montgomery County Public Schools, she took great pride in her work and would go out of her way to assist the staff at all times; and

WHEREAS, She demonstrated patience and dedication in providing a positive and safe learning environment for the 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. Washington 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. Washington's family.

RESOLUTION NO. 145-10      Re:    **DEATH OF MR. RONALD J. BALON,  
ENERGY PROGRAM MANAGER, DEPT. OF  
FACILITIES MANAGEMENT**

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

WHEREAS, the death on February 23, 2010, of Mr. Ronald J. Balon, energy program manager in the Department of Facilities Management, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mr. Balon had been an active employee of Montgomery County Public Schools for more than nine years, provided expert leadership, and was a model manager; and

WHEREAS, Mr. Balon was committed to promoting environmental stewardship within Montgomery County Public Schools and was a recognized expert in the field of energy management; 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. Ronald J. Balon 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. Balon's family.

Re:    **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, stated that this financial report reflects the actual financial condition of Montgomery County Public Schools as of January 31, 2010, 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 \$250,000, while expenses have a projected surplus of \$30,000,000. The county contribution also has decreased by \$2.0 million because of a shift in revenue source resulting from additional federal grants under the *American Recovery and Reinvestment Act of 2009* (ARRA). This results in a greater county year-end fund balance. Consequently, there is a total projected savings of \$32,250,000. Staff will continue to closely monitor both revenues and expenditures.

RESOLUTION NO. 146-10      Re:    **PRESENTATION PLAN FOR HERBERT  
HOOVER MIDDLE SCHOOL  
MODERNIZATION PROJECT**

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

WHEREAS, The architect for the proposed Herbert Hoover Middle School modernization project, Moseley Architects, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Herbert Hoover Middle School Facility Advisory Committee has provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plans report for the Herbert Hoover Middle School modernization project developed by Moseley Architects.

RESOLUTION NO. 147-10      Re:    **BOUNDARY RECOMMENDATION FOR  
MIDDLE SCHOOL ASSIGNMENT OF LOIS P.  
ROCKWELL ELEMENTARY SCHOOL**

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

WHEREAS, In December 2009, the superintendent of schools convened a boundary advisory committee comprised of representatives from Lois P. Rockwell Elementary School and John T. Baker and Rocky Hill middle schools; and

WHEREAS, The Boundary Advisory Committee met from December 2009 through January 2010 and submitted a report to the superintendent of schools on January 22, 2010, with committee member option evaluations and Parent Teacher Association position papers on retaining the Lois P. Rockwell Elementary School service area in Rocky Hill Middle School and on reassigning the Lois P. Rockwell Elementary School service area to John T. Baker Middle School; and

WHEREAS, The superintendent of schools reviewed and carefully considered the Boundary Advisory Committee's report, Parent Teacher Association position papers, and feedback from the community at-large and on February 18, 2010, released a recommendation for reassignment of Lois P. Rockwell Elementary School from Rocky Hill Middle School to John T. Baker Middle School; and

WHEREAS, On February 22, 2010, the Board of Education conducted a work session to consider the superintendent of schools' recommendation for boundary changes and requested no alternative to the superintendent's recommendation; and

WHEREAS, The Board of Education conducted a public hearing on March 3, 2010, in accordance with Board of Education Policy FAA, *Long-range Educational Facilities Planning*, and Montgomery County Public Schools Regulation FAA-RA, *Long-range Educational Facilities Planning*, on the superintendent of schools' recommendation; now therefore be it

Resolved, That the Lois P. Rockwell Elementary School service area be reassigned from Rocky Hill Middle School to John T. Baker Middle School; and be it further

Resolved, That the boundary change be implemented in August 2010 with Grades 6 and 7 reassigned and Grade 8 grandfathered at Rocky Hill Middle School; and be it further

Resolved, That students from the Lois P. Rockwell Elementary School service area wishing to attend John. T. Baker Middle School for Grade 8 in August 2010 instead of being grandfathered at Rocky Hill Middle School be granted transfers through the Change of School Assignment process.

RESOLUTION NO. 148-10

Re: **BOUNDARY RECOMMENDATION FOR  
WESTERN PORTION OF BETHESDA  
ELEMENTARY SCHOOL**

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

WHEREAS, In December 2009, the superintendent of schools convened a boundary advisory committee comprised of representatives from Bethesda and Bradley Hills elementary schools; and

WHEREAS, The Boundary Advisory Committee met from December 2009 through January 2010 and submitted a report to the superintendent of schools on January 22, 2010, with committee member option evaluations and Parent Teacher Association position papers on retaining the western portion of the Bethesda Elementary School service area in Bethesda Elementary School and on reassigning the study area to Bradley Hills Elementary School; and

WHEREAS, The superintendent of schools reviewed and carefully considered the Boundary Advisory Committee's report, PTA position papers, and feedback from the community at-large and on February 18, 2010, released a recommendation for

reassignment of the western portion of the Bethesda Elementary School service area to Bradley Hills Elementary School; and

WHEREAS, On February 22, 2010, the Board of Education conducted a work session to consider the superintendent of schools' recommendation for boundary changes and requested no alternative to the superintendent's recommendation; and

WHEREAS, The Board of Education conducted a public hearing on March 3, 2010, in accordance with Board of Education Policy FAA, *Long-range Educational Facilities Planning*, and Montgomery County Public Schools Regulation FAA-RA, *Long-range Educational Facilities Planning*, on the superintendent of schools' recommendation; now therefore be it

Resolved, That the western portion of the Bethesda Elementary School service area be reassigned from Bethesda Elementary School to Bradley Hills Elementary School; and be it further

Resolved, That the boundary change be implemented in August 2013, when the classroom addition to Bradley Hills Elementary School is completed; and be it further

Resolved, That the boundary change be implemented in August 2013 with Grades K–4 reassigned to Bradley Hills Elementary School and Grade 5 grandfathered at Bethesda Elementary School; and be it further

Resolved, That students in Grade 5, from the area reassigned, wishing to attend Bradley Hills Elementary School in August 2013 instead of being grandfathered at Bethesda Elementary School be granted transfers through the Change of School Assignment process.

RESOLUTION NO. 149-10

Re: **RECOMMENDATION FOR OAKLAND  
TERRACE ES SATELLITE LOCATION AT  
SLIGO MIDDLE SCHOOL**

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

WHEREAS, The superintendent of schools and Montgomery County Public Schools staff worked with the Oakland Terrace Elementary School and Sligo Middle School staffs and communities to explore ways to relieve overutilization at Oakland Terrace Elementary School by creating an interim satellite location for one or two elementary grade levels at Sligo Middle School; and

WHEREAS, Montgomery County Public Schools staff conducted three public

information meetings on December 7 and 14, 2009, and on January 11, 2010, to gather input and identify concerns from the community and school staff for a proposed satellite location at Sligo Middle School; and

WHEREAS, The superintendent of schools reviewed and carefully considered all of the input received, including the information in the *Planning Grid*, correspondence from concerned parents, and the impact of keeping all students at Oakland Terrace Elementary School for the next two years, and on February 18, 2010, released a recommendation to house the Oakland Terrace Elementary School kindergarten classes in the lower level of Sligo Middle School for the 2010–2011 and 2011–2012 school years; and

WHEREAS, On February 22, 2010, the Board of Education conducted a work session to consider the superintendent of schools' recommendation for housing the Oakland Terrace Elementary School kindergarten students at Sligo Middle School; and

WHEREAS, The Board of Education conducted a public hearing on March 3, 2010, in accordance with Board of Education Policy FAA, *Long-range Educational Facilities Planning*, and Montgomery County Public Schools Regulation FAA-RA, *Long-range Educational Facilities Planning*, on the superintendent of schools' recommendation; now therefore be it

Resolved, That kindergarten students from Oakland Terrace Elementary School be housed in the lower level of Sligo Middle School for the 2010–2011 and 2011–2012 school years; and be it further

Resolved, That the superintendent of schools and Montgomery County Public Schools staff work with Oakland Terrace Elementary School and Sligo Middle School staff to ensure a smooth transition and implementation.

RESOLUTION NO. 150-10      Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Berthiaume 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 a closed session on Monday, March 22, 2010, in Room 120 of the Carver Educational Services Center to meet from 5:30 to 6:00 p.m. to discuss personnel matters, as permitted under

Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an administrative function outside the purview of the *Open Meetings Act* (Section 10-508(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. 151-10            Re:    **REPORT OF CLOSED SESSION**

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

On February 22, 2010, by unanimous vote, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on February 22, 2010, from 5:30 to 6:25 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. 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 10-508(a) of the *State Government Article*): 2009-31 and 2009-40.
2. Received 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*.
3. Discussed matters of an administrative function (strategy for obtaining funding of the operating budget and maintenance of effort fine, and discussion of strategy regarding seeking a waiver for days of instruction) outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).

In attendance at the closed session for appeals were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Mike Durso, Tim Hwang, Phil Kauffman, Patricia O'Neill, Pat Clancy, Roland Ikheloa, Suzann King, Glenda Rose, and Laura Steinberg. At 6:15 p.m., the following staff joined the Board in closed session: Larry Bowers, Brian Edwards, Frieda Lacey, Susan Marks, Chris Richardson, Frank Stetson, Dana Tofig, and Jerry Weast.

RESOLUTION NO. 152-10            Re:    **MINUTES**



Boundary / Bethesda ES	A	A	A	A	A	A	A	A
Oakland Terrace ES relocation	A	A	A	A	A	A	A	A

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

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