

APPROVED
12-2010

Rockville, Maryland
April 15, 2010

The Board of Education of Montgomery County held a hearing at the Carver Educational Services Center, Rockville, Maryland, on April 15, 2010, at 10:00 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.

RESOLUTION NO. 180-10 Re: **RESOLUTION FOR CLOSED SESSIONS**

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

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on April 15, 2010, in Room 120 from 9:00 to 10:00 a.m. and 1:00 to 2:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Quarterly Equal Employment Opportunity 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 April 15, 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. 181-10 Re: **APPROVAL OF THE AGENDA**

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 Approve its agenda for April 15, 2010.

RESOLUTION NO. 182-10 Re: **SECRETARIES WEEK**

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

WHEREAS, Secretaries Week will be celebrated nationally the week of April 19, 2010; and

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

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

Resolved, That Secretaries Week be observed by the school system during the week of April 19, 2010; and be it further

Resolved, That Wednesday, April 21, 2010, be designated as Secretaries Day for Montgomery County Public Schools.

RESOLUTION NO. 183-10 Re: **NATIONAL VOLUNTEER WEEK**

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

WHEREAS, Montgomery County Public Schools has a continuing commitment to partner with parents and community members who volunteer in our schools to ensure the successful education of all students; and

WHEREAS, Volunteers connect with local schools to serve students by taking actions that support student learning to improve academic achievement; and

WHEREAS, Volunteers of all ages, from all walks of life and economic and cultural backgrounds, give generously of their time and knowledge; and

WHEREAS, The giving of one's self in service to another empowers the volunteer and provides opportunities for the student; and

WHEREAS, The Montgomery County Public Schools volunteer force of over 30,000 individuals models the best in citizenship and giving back to the community; and

WHEREAS, During National Volunteer Week, volunteers throughout the school system are recognized for their commitment to service; and

WHEREAS, Three elementary schools, three middle schools, three high schools, and one special education center accumulating the most hours of volunteer service will be presented with the Outstanding Volunteer Program Award at Montgomery County Public Schools Back-to-School Fair on August 28, 2010; now therefore be it

Resolved, That the Montgomery County Board of Education celebrates and appreciates our volunteers—parents, community and business partners, and students helping other students—for their dedicated service to education and the children in our schools; and be it further

Resolved, That National Volunteer Week, *Celebrating People in Action*, be observed by Montgomery County Public Schools during the week of April 18–24, 2010.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. David Fishback	PFOX Flyer
2. Peter Sprigg	PFOX Flyer

Re: **UPDATE ON LEGISLATION (ORAL)**

Ms. Laura Steinberg, Legislative Aide, gave a summary of the status of legislation this year:

Operating Budget

- Legislator enacted largely intact.
- \$5.7 billion in state aid to education, total increase of \$189.3 million, including \$98.6 million for increased student enrollment and \$90.7 million in retirement payments .

- Senate and House both rejected Legislative Services recommendation to cut \$60 million, either by reducing teachers' retirement or adjusting formulas, and to reduce Geographic Cost of Education Index (GCEI) by \$10.5 million make up for error in enrollment that was used when the initial budget was developed.
- However, 1 percent cap on the inflationary adjustment to state aid for enrollment extended through 2015.
- Senate proposal to begin shift of teacher pension in 2012 rejected.
- Blue ribbon panel to be established to make recommendations by mid-December 2010 about all aspects of state-funded benefits and pensions provided to state and public education employees and retirees in the state with intent to begin implementation no later than fiscal year 2013.

Capital Budget

- 90 percent allocated and we are still short of \$30M assumption (currently at \$25.9M).

Listed below are key bills of importance to the Board of Education.

Fiscal

Maintenance of Effort (MOE)

- Penalty waived and study group to be established to look at penalty issue.
- House and Senate could not agree on criteria and process bill.
 - No disagreement about criteria, rather around process.
 - Went to conference committee but failed at midnight.
 - Host of other bills (Average daily attendance, NTI, other MOE bills) all failed.

Education Reform Act

Also went to conference committee. The bill extends probationary period of employment from two to three years and if Race to the Top funds are received. Requires the state to create incentives for highly effective staff to work in school in improvement, corrective action, or restructuring.

Major area of dispute was around changes to teacher evaluation requirements, with the house wanting 50 percent of an evaluation to be based on student growth and the senate preferring it be a "significant component." Bill passed with significant growth language.

Collective Bargaining

There was extensive effort by multiple stakeholders.

As amended and passed

1. Transfers powers from the State Board of Education and to a newly created five-member Public School Labor Relations Board.
2. Major area of concern was resolved regarding fiscal implications of Labor Board decision and available funds.

3. Attorney General opinion was sought and confirmed that if the fiscal authority does not approve enough funds to implement the agreement the public school employer and the union can renegotiate the funds allocated to it.

School Safety

1. Expands the list of offenses that must be reported to school.
2. Requires the Maryland State Department of Education (MSDE) and locals to develop a policy as well as programs to address gangs and gang-like activity.
3. Also went to conference as concerns over confidentiality surfaced.

Compulsory Age of Attendance

1. Gained traction but in the end failed.
2. Concerns mainly about need to budget for additional enrollment and how to ensure that schools are implementing engagement strategies and/or alternative programs for students who might otherwise drop out if age requirement not changed.

BOAST

1. Totally rewritten on Saturday before end of session to establish \$10M grant program (\$5 million operating/\$5 million capital) for private schools at risk of closing.
2. Concerns were raised about constitutionality of the state allocating operating funds to religious schools. Failed, though not until late Monday night.

IEP

This bill was sent to conference committee.

As amended, the bill still requires parents be provided with documents five days prior to an IEP meeting:

1. Excludes psychological reports.
2. Allows for exceptions if there are extenuating circumstances.
3. failure to provide the documents cannot be considered a violation of the requirement to provide a free appropriate public education.

Universal Design for Learning (UDL) Task Force

Was amended to *explore* incorporating UDL into Maryland's education system; membership also changed.

Longitudinal Data System

1. Also went to conference.
2. Data system will have individual level elementary, secondary, postsecondary and workforce data
3. Serve as repository for research data sets, reporting requirements and public information requests. Significant concerns emerged about confidentiality and amended [AMENDED WHAT? NEED A NOUN], among other things, and amended to restricted types of discipline data that could be included.

Master Plans

Allows for the state superintendent to approve a preexisting management or strategic plan to fulfill master plan or master plan update requirement.

Curriculum

Several bills were merged together (Diabetes, Financial Literacy, Tween Dating Violence) and changed to require an annual report to MSDE on what schools are [doing...failed...as well as CPR and Chess bills \[NOT CLEAR\]](#)

Student Board Member

1. The local bill failed; senate and house disagreed.
2. State student board member given authority to vote on the budget.

Health

Concussion bill died in committee, after significant change broadening the definition of student athlete that would have been hugely problematic for schools.

Charter Schools

All bills did not pass.

Re: DISCUSSION

The Board members expressed their appreciation and thanks to Ms. Steinberg for her diligence and reporting during the legislative session.

Mrs. O'Neill thanked the Montgomery County delegation for their help to get the maintenance of effort penalty waived.

Ms. Brandman asked for a copy of the attorney general's opinion on local board authority with respect to fairness in negotiations. She asked that the summary of legislative activity include a list of legislators who were engaged in the compulsory age of attendance.

Mr. Kauffman asked with the collective bargaining legislation will be effective. Staff replied that it will take effective on July 1, 2010.

Ms. Berthiaume inquired about the anti-gang bill and whether the provision about victims of sexual assaults was still in the bill.

Mrs. O'Neill noted that this legislative session has ended, and the Board is thinking about next year with its priorities remaining the same. There will be an evaluation on how successful the Board was this year and advocate again for those areas of interest.

Re: BOARD/SUPERINTENDENT COMMENTS

Mr. Barclay commented that he attended the National School Boards Association conference in Chicago. It was a very good conference with workshops and general sessions. Also, he attended the African American Symposium at James Hubert Blake High School which was a very dynamic day with workshops and lectures on artists and music.

Dr. Docca attended the symposium at Blake; read to kindergarteners at Goshen Elementary School; meet with Montgomery College Board of Trustees and the MCPS partnership; attended the *Keeping It Safe* coalition with videos about alcohol prevention; and attended the Riderwood residence and the scholarships awarded to students working at the facility.

Ms. Berthiaume commented on the County Council's budget briefing with other Board members and staff indicating the degree of intensity that the budget is being followed. The mayor and council of Rockville formed a Rockville Youth Commission, which will have MCPS students on the commission. She was excited that the youth will have leadership opportunities, and students are encouraged to participate in the commission.

Mr. Kauffman noted that he and Ms. Brandman attended a forum sponsored by Partnerships for Extraordinary Minds (organization supporting parents on the autism spectrum). The forum was a vehicle to get information to parents on the different programs and opportunities within MCPS.

Mr. Hwang echoed Ms. Berthiaume's comments. He thanked students for lobbying in Annapolis for the importance of the students' voice. He is now working on environmental practices in the schools and youth voter registration.

Mrs. O'Neill reported that she attended the Month of the Young Child celebration, and she commented that it is a very impressive program.

Dr. Weast stated that 10,000 fifth graders will attend concerts at Strathmore Hall.

RESOLUTION NO. 184-10 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 by members present:#

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:

021808-SP	Copier, Printer, Facsimile, and Related Office Equipment	
	<u>Awardee</u>	
	Sharp Electronics Corporation	\$ 30,000
034.10.B2	Art Supplies—Extension	
	<u>Awardee</u>	
	School Specialty, Inc.	\$125,000
750-45 30057.1	Job Order Contract—Extension	
	<u>Awardee</u>	
	Centennial Contractors	\$750,000
850700 0622AA	Towing, Transport, and Recovery of Vehicles—Extension	
	<u>Awardees</u>	
	Automotive Support Services, Inc.	\$160,000
4022.5	On-Call Painting Contractors—Extension**	
	<u>Awardees</u> (See note)	
	Colossal Contractors*	
	Hann & Hann	
	JNA Painting Company, Inc.	
	OMF Contractors, Inc.*	
	Tito Contractors*	
	Unisource Services, LLC*	
	Total \$350,000	
4062.9	Musical Instruments, Furniture, and Equipment—Extension	
	<u>Awardees</u>	
	Jason's Music Center	\$ 36,800
	Jordan Kitts Music	32,877
	Lashof Violins, LLC*	23,500
	Music & Arts Center	2,726
	Music is Elementary	26,570
	National Educational Music Company	71,234
	Peripole Bergerault, Inc.*	50,389
	Rhythm Band, Inc.	2,831
	Shar Products Company	658
	Southwest Strings*	1,949
	Stageright Corporation	1,750
	Steve Weiss Music, Inc.	5,906

	Washington Music Sales Center, Inc.*	165,245
	Wenger Corporation	<u>79,023</u>
	Total	\$501,458
4120.4	Science Lab Tables—Extension	
	<u>Awardee</u>	
	Diversified Educational System	\$ 60,000
4144.3	Technology Laboratory Workstations	
	<u>Awardees</u> (See note)	
	Diversified Educational Systems, Inc.	
	Pepco, Inc.	
	Satco Supply	
	Total	\$100,000
7076.5	Automotive Shop Equipment Repair, Service, and Parts	
	<u>Awardees</u>	
	Hughes Supply Company	\$ 2,000
	B&R Associates	57,000
	Myco, Inc.	13,000
	Sefac, Inc.	<u>3,000</u>
	Total	\$ 75,000
7083.5	Custodial Equipment—Extension	
	<u>Awardees</u>	
	Abel Industries, Inc.	\$ 1,461
	Acme Paper & Supply Company, Inc.	45,391
	Daycon Products Company, Inc.	102,403
	Meyer Material Handling Products, Inc.*	3,125
	National Supply Company	<u>30,386</u>
	Total	\$182,766
7109.4	Tire Retread Service—Extension	
	<u>Awardee</u>	
	S&S Tire Service, Inc.	\$120,000
7114.4	Bus Wash Chemicals—Extension	
	<u>Awardee</u>	
	The Myco Companies	\$ 36,075

7131.4	Commodity Product Processing Services—Extension	
	<u>Awardees</u> (See note)	
	Advance Food Company	
	Jennie-O-Turkey Store Sales, LLC	
	Pierre Foods, Inc.	
	Pilgrims Pride Corporation	
	Tyson Sales & Distribution, Inc.	
	Total	\$900,000
7148.2	Purchase of New Tires—Extension	
	<u>Awardee</u>	
	Service Tire Truck Center	\$534,933
7153.2	Materials Handling Equipment—Extension	
	<u>Awardee</u>	
	Meyer Material Handling Products, Inc.*	\$ 29,563
7166.2	Magazine Subscription	
	<u>Awardee</u>	
	W. T. Cox Subscriptions*	\$304,000
7196.1	Promethean Boards Replacement Bulbs	
	<u>Awardee</u>	
	Clinton Learning Solutions	\$ 36,000
9057.7	Baseball Supplies and Equipment	
	<u>Awardees</u>	
	Anaconda Sports, Inc.	\$ 16,323
	G. L. Sports	8,852
	Riddell	483
	Sport Supply Group, Inc.	10,603
	Sports Stop, Inc.	<u>4,020</u>
	Total	\$ 40,281
9069.9	Softball Supplies and Equipment	
	<u>Awardees</u>	
	Anaconda Sports, Inc.	\$ 15,108
	Cannon Sports, Inc.*	9,387
	Pyramid School Products	1,387

	Sport Supply Group, Inc.	19,591
	The Athletic Equipment Source	<u>12,054</u>
	Total	\$ 57,527
9073.6	Weight Training Supplies and Equipment—Extension	
	<u>Awardees</u>	
	American Fitness & Sport Supply, Inc.	\$ 30,842
	Concept II, Inc.	18,500
	Destine Fitness, LLC	5,986
	Fitness Lifestyles	35,906
	Fitness Resource	355,709
	Gym Source	58,862
	Heartline Fitness Products, Inc.	110,030
	Sport Supply Group, Inc.	16,682
	Sportime, LLC	<u>41,686</u>
	Total	\$674,203
9102.7	Beverages, Chips, and Snacks A La Carte—Extension	
	<u>Awardees</u>	
	Atlantic Beverage Company	\$161,980
	Royalle Dining Services, Inc.*	<u>253,404</u>
	Total	\$415,384
9106.7	Corrugated Boxes—Extension	
	<u>Awardees</u> (See note)	
	Cantwell-Cleary Company, Inc.	
	Willard Packaging Company	
	Total	\$ 42,920
9108.10	Poultry Products Frozen and Processed—Extension	
	<u>Awardees</u>	
	Dori Foods, Inc.	\$ 27,303
	Jennie-O-Turkey Store Sales, LLC	72,305
	Pilgrims Pride Corporation	<u>282,030</u>
	Total	\$381,638
9118.3	Produce, Fresh—Extension	
	<u>Awardee</u>	
	Lancaster Foods, Inc.	\$750,000
9133.3	Groceries and Disposables—Extension	

	<u>Awardee</u> Feesers, Inc.	\$ 75,000
9159.4	Metal Doors, Frames, Windows, and Accessories—Extension**	
	<u>Awardee</u> Metro Metal Services, Inc.	\$700,000
9186.8	Asbestos Abatement at Various Locations	
	<u>Awardees</u> Barco Enterprise	\$ 11,634
	Bristol Environmental, Inc.	16,540
	Environmental Group, Inc.*	20,099
	Retro Environmental, Inc.	<u>24,375</u>
	Total	\$ 72,648
9203.7	Custom Science Kits—Extension	
	<u>Awardee</u> SEMPCO, Inc.*	\$110,000
9364.4	Line Painting of Asphalt Parking Lots at Various Locations—Extension**	
	<u>Awardee</u> Colossal Contractors*	\$ 33,000
9397.3	Fire Alarm, Sprinkler Systems Inspections—Extension**	
	<u>Awardee</u> VSC Fire and Security	\$225,000
9515.5	Middle School Athletic Shirts—Extension	
	<u>Awardee</u> Marlow Sports, Inc.*	\$ 52,309
9686.1	Reroofing at Burning Tree Elementary School**	
	<u>Awardee</u> R. D. Bean, Inc.	\$ 545,380
9701.1	Specialty Cementitious Coatings at Various Locations**	

Awardee

Walker Willis/T/A Custom Masonry

\$ 400,000

TOTAL PROCUREMENT CONTRACTS OVER \$25,000

\$8,870,085

* 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. 185-10

Re: **CONTRACT APPROVAL FOR RFP NO.
1083.4 PROFESSIONAL SERVICES AND
TEMPORARY PERSONNEL FOR SYSTEMS
ENGINEERING AND INFORMATION
TECHNOLOGY CONSULTING SERVICES**

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

WHEREAS, Funds have been budgeted for and/or identified for the purchase of professional services and temporary personnel through RFP No. 1083.4; now therefore be it

Resolved, That having been duly advertised, the following bidders have met specifications and are eligible to be awarded contracts that will be based on individual requirements:

1083.4 Professional Services and Temporary Personnel for Systems Engineering and Information Technology Consulting Services

Awardee (See note)

Advanced Software Systems, Inc.*

AETEA Information Technology

Bluwater Consulting

Business Integra, Inc.*

CadenceQuest

Ciber, Inc.

Dell, Inc.

Digicon Corporation*

Elixir

Gantech, Inc.*

Gateway Solutions, Inc.*

Lighthouse Management Consulting*

Micro Strategy

Neavsys, Inc.*

Primescape Solutions, Inc.
 RDA Corporation
 TestPros, Inc.
 US Tech Solutions, Inc.*
 Vangent, Inc.
 Total \$1,700,000

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

RESOLUTION NO. 186-10 Re: **CONTRACT APPROVAL FOR BID NO.
 4121.10 OFFICE PAPER, VIRGIN AND
 RECYCLED**

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

WHEREAS, Funds have been budgeted for the purchase of office paper, virgin and recycled, through FY 2011; 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:

4121.10 Office Paper, Virgin and Recycled

<u>Awardees</u>	
Frank Parsons Paper Company, Inc.	\$ 44,684
Unisource	<u>2,821,549</u>
Total	\$2,866,233

RESOLUTION NO. 187-10 Re: **CONTRACT APPROVAL FOR BID NO.
 7065.9 CUSTODIAL SUPPLIES –
 EXTENSION**

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

WHEREAS, Funds have been budgeted for the purchase of custodial supplies for schools and offices through Bid No. 7065.9; 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:

7065.9 Custodial Supplies—Extension

Awardee

Abel Industries, Inc.	\$ 1,255
Acme Paper & Supply Company, Inc.	257,550
Calico Industries, Inc.	137,052
Central Poly Corporation	34,885
Daycon Products Company, Inc.	252,908
FPC Distribution	28,030
Genesis II, Inc.*	20,061
Holt Paper & Chemical Company	370,605
Industrial Products Supply*	2,285
Laniado Wholesale MTC Products, Inc.*	39,941
Leonard Paper Company	323,204
Lynn Ladder & Scaffold Company	3,625
National Supply Company	24,165
Porters Supply Company, Inc.	70,917
Pyramid School Products	14,507
S. Freedman & Sons, Inc.	463,283
Solutex, Inc.	22,736
W. Wiederrecht Marketing, Inc.	<u>6,346</u>
Total	\$2,073,355

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

RESOLUTION NO. 188-10

Re: **CONTRACT APPROVAL FOR BID NO.
9691.1 REROOFING AT REDLAND MIDDLE
SCHOOL**

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

WHEREAS, Funds have been budgeted in the capital budget for the reroofing project at Redland Middle School; 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:

9691.1 Reroofing at Redland Middle School**

Awardee

R. D. Bean, Inc.

\$1,059,435

**Planned Life-cycle Asset Replacement Bid

RESOLUTION NO. 189-10

Re: **ACCEPTANCE OF MEADOW HALL
ELEMENTARY SCHOOL GYMNASIUM
ADDITION PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board Member Laura Berthiaume inspected the Meadow Hall Elementary School gymnasium addition project on Friday, March 26, 2010; now therefore be it

Resolved, That the Board of Education accept the Meadow Hall Elementary School gymnasium addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the drawings and specifications, and all contract requirements have been met.

RESOLUTION NO. 190-10 Re: **ACCEPTANCE OF POOLESVILLE HIGH SCHOOL ADDITION PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board Member Judy Docca inspected the Poolesville High School addition project on Tuesday, March 16, 2010; now therefore be it

Resolved, That the Board of Education accept the Poolesville High School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the drawings and specifications, and all contract requirements have been met.

RESOLUTION NO. 191-10 Re: **ARCHITECTURAL APPOINTMENTS – AMERICANS WITH DISABILITIES ACT COMPLIANCE/IN-HOUSE PROJECTS**

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

WHEREAS, Funds are appropriated annually in the Capital Improvements Program for projects that provide improved accessibility for the disabled at various schools through the Americans with Disabilities Act project and the Building Modifications and Program Improvements project; and

WHEREAS, It is necessary to appoint architectural firms to provide architectural and engineering services on an as-needed basis to respond to accessibility and program modification requirements at various schools; 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, Project specific fees for the necessary architectural and engineering services will be negotiated based upon the size and complexity of the individual projects as they are assigned within the funding limits approved by the Board of Education and the County Council in the FY 2011–2016 Capital Improvements Program; now therefore be it

Resolved, That the Montgomery County Board of Education enter into 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 accessibility and facility modification projects.

RESOLUTION NO. 192-10 Re: **AWARD OF CONTRACT – RELOCATABLE CLASSROOM BID PACKAGE #13**

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

WHEREAS, The following sealed bids were received on March 24, 2010, for the relocation of relocatable classrooms from Walter Johnson High School:

<u>Contractor</u>	<u>Low Bid</u>
EMH Environmental, Inc.	\$626,490
Prevost Construction, Inc.	\$648,992
U.S. Modular Group East, Inc.	\$654,000
Mobilease Modular Space, Inc.	\$660,900
J & L Services, Inc.	\$669,898

and

WHEREAS, There are limited opportunities for subcontracting on this type of project; and

WHEREAS, The low bidder has submitted a waiver request for 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 Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, The low bidder has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$626,490 contract be awarded to EMH Environmental, Inc. for the relocatable classroom bid package #13 project in accordance with the project specifications prepared by JK Architects + Associates and The K Group.

RESOLUTION NO. 193-10 Re: **LAYTONSVILLE ELEMENTARY SCHOOL AND FUTURE LAYTONSVILLE MIDDLE SCHOOL SITE – GRANT OF EASEMENT AND RIGHT-OF-WAY**

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

WHEREAS, On November 10, 2009, the Board authorized the president and secretary of the Board of Education to execute two separate, permanent grants of easement and rights-of-way to the Washington Suburban Sanitary Commission at Laytonsville Elementary School, located at 21401 Laytonsville Road in Laytonsville and at the future Laytonsville Middle School site, located on Warfield Road in Laytonsville; and

WHEREAS, The rights-of-way consisted of 1,510 square feet at Laytonsville Elementary School and 1,962 square feet at the future Laytonsville Middle School site; and

WHEREAS, The Washington Suburban Sanitary Commission has determined that an additional right-of-way will be needed from each of the two sites for installation of a water main and appurtenances to serve the Town of Laytonsville; and

WHEREAS, The proposed additional grant of easement and right-of-way at Laytonsville Elementary School consists of 4,795 square feet, and includes an additional 8,300 square feet at the future Laytonsville Middle School site; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the initial expense and liability of damages or injury resulting from the installation and for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way on both sites will not affect any land that could be used for future school programming and recreational activities and will provide a connection site; 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 to the Washington Suburban Sanitary Commission of an additional 4,795 square feet at Laytonsville Elementary School and an additional 8,300 square feet at the future Laytonsville Middle School site and be it further

Resolved, That the Washington Suburban Sanitary Commission pay the Board of Education a fee of \$6,547.50 for the right-of-way grant at Laytonsville Elementary School and \$4,150 for the right-of-way grant at the future Laytonsville Middle School site.

RESOLUTION NO. 194-10

Re: **MONTGOMERY KNOLLS ELEMENTARY
SCHOOL - GRANT OF FOREST
CONSERVATION EASEMENT**

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

WHEREAS, The Maryland-National Capital Park and Planning Commission has requested a Conservation Easement Agreement at Montgomery Knolls Elementary School, located at 807 Daleview Drive in Silver Spring, in connection with the addition project at the school; and

WHEREAS, The proposed Conservation Easement Agreement will protect and prevent any alteration, construction, or destruction of sensitive environmental areas consisting of forest, wetlands, and stream valley buffers contained in an easement grant of 2.54 acres to the Maryland-National Capital Park and Planning Commission; and

WHEREAS, The proposed Conservation Easement Agreement will not affect any land that could be used for school programming or recreational activities and will benefit both the school site and the community by preserving sensitive environmental areas; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Conservation Easement Agreement consisting of 2.54 acres with the Maryland-National Capital Park and Planning Commission at Montgomery Knolls Elementary School.

RESOLUTION NO. 195-10 Re: **REAUTHORIZATION OF ENERGY
PROCUREMENT AUTHORITY**

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

WHEREAS, There is a very short duration for analyzing and accepting energy supply offers due to market volatility; and

WHEREAS, A continuing limited delegation of authority is needed to execute energy supply purchases under the energy cost management plan given the very limited timeframe for analyzing and accepting energy supply offers; and

WHEREAS, The energy supply purchases executed as a result of this delegation of authority are allocated to established Montgomery County Public Schools energy supply accounts in compliance with an energy cost management plan; and

WHEREAS, Periodic energy procurement reports are submitted to the Board of Education; and

WHEREAS, Similar delegations of authority were approved by the Board on February 23, 2004, February 14, 2006, October 10, 2006, and May 13, 2008; now therefore be it

Resolved, That the authority to commit Montgomery County Public Schools to electricity or natural gas supply purchases be delegated to Mr. Larry A. Bowers, chief operating officer, Office of the Chief Operating Officer, or Mr. Joseph J. Lavorgna, acting director, Department of Facilities Management; and be it further

Resolved, That the delegation of authority is limited to the energy purchases through existing energy supply contracts and is effective on the date of this resolution and expires on December 31, 2010.

RESOLUTION NO. 196-10 Re: **CHANGE ORDER OVER \$100,000**

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

WHEREAS, There is a need to increase the number of classes for students with autism at the elementary level in the Winston Churchill and Walt Whitman clusters; and

WHEREAS, The Autism Program at Bells Mill Elementary School which serves the two clusters is at capacity; and

WHEREAS, Placing the students into other existing Autism Programs in the county is not feasible due to long travel distances and/or classes already at capacity; and

WHEREAS, Establishing a second location within the area of two clusters is necessary; and

WHEREAS, The modernization of Carderock Springs Elementary School, currently under construction, is on schedule to open in August 2010; and

WEHREAS, The modernization of Carderock Springs Elementary School includes a third floor that has been master-planned for future classrooms; and

WHEREAS, The modifications to include the three third floor classrooms to replace classrooms and support spaces needed for the Autism Program in other areas of the facility can be completed prior to the school opening in August 2010; and

WHEREAS, The Department of Facilities Management has received the following change order proposal for additional classrooms and program modifications for the Carderock Springs Elementary School modernization project in excess of \$100,000; and

WHEREAS, Staff and project architects have reviewed the change order and found it to be reasonable; and

WHEREAS, There are enough funds available in the modernization budget; now therefore be it

Resolved, That the Board of Education approve the following change order for the amount indicated:

Activity 1

Project: Carderock Springs Elementary School Modernization

Description: Revision of lower-level classrooms and support spaces to accommodate autism classes and the build-out of three classrooms on the third floor

Construction Manager: Hess Construction + Engineering Services

Amount: \$1,468,662

RESOLUTION NO. 197-10

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

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

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

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

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

Resolved, That the superintendent of schools be authorized to receive and expend \$85,355 within the FY 2010 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
Fine Arts Initiative Project	\$ 53,355
Maryland School Performance Recognition Program	<u>32,000</u>
Total	\$ 85,355

and be it further

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

RESOLUTION NO. 198-10

Re: **RECOMMENDED FY 2010 SUPPLEMENTAL
APPROPRIATION TO RETROFIT BUSES
WITH EMISSION REDUCTION DEVICES**

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

WHEREAS, The Environmental Protection Agency, Maryland Department of the Environment, and Montgomery County Board of Education support reducing particulate matter associated with diesel fuel exhaust by retrofitting buses in Montgomery County Public School's fleet with new filters and ventilation systems; and

WHEREAS, The Montgomery County Public Schools Department of Transportation will continue to use cleaner fuel, reduce bus idling time, and implement route efficiencies; and

WHEREAS, The Board of Education approved a supplemental appropriation of \$1,000,000 from the State Highway Administration of the Maryland Department of Transportation to retrofit 70 buses with filters; and

WHEREAS, The U.S. Environmental Protection Agency through the Maryland Department of the Environment has awarded funds under the *American Recovery and Reinvestment Act of 2009* to purchase diesel particulate filters and ventilation systems to reduce particulate pollution; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2010 supplemental appropriation of \$264,000 to retrofit 17 buses with a level 3 diesel particulate filter, and 35 buses with a crankcase ventilation system, in the following category:

<u>Category</u>	<u>Amount</u>
9 Student Transportation	<u>\$264,000</u>
Total	\$264,000

and be it further

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

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

Re: **LEADERSHIP DEVELOPMENT PROGRAM**

Dr. Weast invited the following people to the table: Mr. James J. Virga Jr., associate superintendent, Office of Organizational Development (OOD); Dr. David I. Steinberg, director, Leadership Development Team, OOD; Mrs. Carolyne Starek, consulting principal, Leadership Development Team, OOD; and Ms. Teri Johnson, principal, Lake Seneca Elementary School.

There is a systemwide commitment to developing leaders and leadership teams who are dedicated, prepared, and equipped to increase achievement for all students and eliminate the achievement gap in Montgomery County Public Schools (MCPS). This comprehensive approach to growing, cultivating and nurturing the talents within MCPS has resulted in real gains in students' academic success and the evolution of a more

equitable educational environment. Nowhere is this effort more critical than in the identification of leadership candidates and the professional development of principals as instructional leaders. By focusing on the development of high quality leaders, MCPS has built both a succession pipeline to ensure the continued progress of the school system and an effective method for the dissemination of system core beliefs and values. In order to continue to produce exceptional educational leaders, MCPS has established the following four-pronged approach to leadership development:

- The Leadership Development Program, which provides professional development for assistant principals and principal interns.
- The Administrative and Supervisory Professional Growth System, which coordinates leadership development programs.
- The Consulting Principal Program, which provides professional development for novice principals and underperforming administrators.
- The Professional Learning Communities Institute, which provides professional development for leadership teams.

This four-pronged approach to building leadership capacity is aligned with the goals of the MCPS strategic plan, *Our Call to Action: Pursuit of Excellence*. In particular, the strategies capture the MCPS commitment of Goal 4, *Create a Positive Work Environment in a Self-renewing Organization*. Leadership development clearly supports this critical goal, and reinforces efforts to *Ensure Success for Every Student* (Goal 1), to *Provide an Effective Instructional Program* (Goal 2), and to *Strengthen Productive Partnerships for Education* (Goal 3). Development of effective leaders within MCPS is critical to system efforts to ensure college readiness for all students and to implement the MCPS Framework for Equity and Excellence.

To accomplish these goals, the following contributors also collaborate on leadership development in order to help build the capacity of leaders in schools and offices, ensuring their ability to work in productive teams that share decision making and achieve results:

- The superintendent of schools, who leads seminars for new and aspiring principals.
- Executive staff members, who serve as members of professional development teams to monitor, coach, mentor, and guide the work of assistant principals, principal interns, and new principals.
- Principals, who are the primary trainers of new assistant principals and principal interns.
- Parents, who organize workshops on creating an inviting school climate in order to partner with school staff on behalf of all students.
- The business community (e.g., the Montgomery County Business Roundtable for Education), which offers input on effective leadership and management practices.
- College and university partnership programs, which prepare future leaders.

- Staff members representing the three employee associations (the Montgomery County Association of Administrators and Principals [MCAAP], the Montgomery County Education Association [MCEA]), and the Service Employees International Union Local 500 [SEIU]), who contribute stakeholder input (e.g., the Leadership Development Advisory Committee) and collaborate in decision making through the Administrative and Supervisory Professional Growth System (A&S PGS) Implementation Team.

Staff members who facilitate the four leadership development components collaborate in the use of a case study process to analyze student performance data in terms of equity and excellence, design school-specific strategies based on research and MCPS best practices, provide job-embedded staff development, and teach shared decision making in order to assist schools to continuously improve. This comprehensive effort to build the capacity of leaders within the system will help to ensure progress in student achievement.

Coordination ensures that the four initiatives work in concert to support staff in schools and offices with the right capacity-building resources and strategies to assist them in making connections and identifying solutions to meet their student, school, and office needs. The design, structure, and processes for the four components of leadership development have resulted in significant gains in student achievement and significant improvement in succession planning.

Re: DISCUSSION

Mrs. O'Neill thanked the staff for their presentation. She thought that one of the strengths of MCPS was its amazing principals. MCPS' ability to develop principals within the district is unique to the school system.

Mr. Barclay noted that at the National School Boards Association conference there was a lot of discussion about "growing your own" principals. The United States Department of Education is looking at having high quality principals as well as high quality teachers in the classrooms. He was pleased that this presentation reinforced those ideals. He noted that the reading scores for Lake Seneca Elementary School had improved significantly. He asked the principal about the demographics of the school and the work in engaging the community in building that success. The principal responded that the demographics were even divided with a FARMS rate of 47 percent. She stated that reading was embedded in all subjects and activities. Teachers and students were encouraged to focus on reading in the classroom as well as for pleasure at home.

Ms. Brandman noted in one of the attachments that there was a decreasing number of principals hired. Staff replied that there were several years where the unit hired and trained a lot of principals; therefore, there are people who are in the first five to 10 years of the profession. Furthermore, with increased capacity and budget constraints, staff made strategic moves to not hire retired principals. Consulting principals have replaced the retired principals. Further, consulting principals have taken on other assignments,

such as coaching principal interns, advising for forschool performance, teaching data-driven decision-making course, and working with central service and business and operations employees and business.

Ms. Brandman stated that the Board can continue to support work of the system when there is a demonstration of efficiencies. An impact on the program is that principals developed for leadership are highly effective and successful.

Mr. Barclay asked the following questions about the Leadership Development Team: (1) what is the overall cost for staff development and projects; (2) what was the savings when consulting principals replaced retired principals; (3) how do we define an underperforming principal; and (4) how do coordinators of alternative centers fit into leadership development.

Mr. Barclay was interested in the standards for principals. Staff listed the following standards for assessing their performance:

1. The implementation of the vision
2. The culture of teaching and learning
3. Process management in school administration
4. Relationship and collaboration with stakeholder groups
5. Professionalism and professional development
6. The political, social, economic, legal, and cultural content

When principals are not meeting standards, there is an intensive referral process with a PAR panel and consulting principals targeting those skills that need improvement and monitoring.

Ms. Brandman asked how many personnel are currently designated Assistant Principal 1, Assistant Principal 2, and Principal Interns. She asked about those persons who had received the training and are waiting for a position. Staff explained that since there are not a lot of openings, those individuals will have to be patient as well as look at other opportunities provided by the system.

Ms. Brandman asked what the expectations were for schools going into the next cohort of the Professional Learning Communities Institute (PLCI) in light of the budget. Staff stated that PLCI will continue for the upcoming year, and there may be pilots developed for high schools.

Ms. Berthiaume thought it would be helpful to have a similar presentation on the operating side with leadership training and succession planning. She asked how many people were consulting principals. Staff replied that there were three.

Ms. Berthiaume inquired as to the difference between the relationship of a principal and community superintendent and a principal and consulting principal. Staff explained that

a community superintendent is the evaluator; the consulting principal is a coach and peer.

Mr. Kauffman requested information about the process for an individual teacher to prepare for administration. Staff responded that usually there is encouragement from a principal or colleagues who identify leadership qualities in a person. Also, there are avenues of higher education, such as master's degrees and certification requirements. The sequence would follow assignments to assistant principal sequences.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 12:35 to 1:50 p.m.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, reported that the actual financial condition of Montgomery County Public Schools (MCPS) as of February 28, 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 deficit of \$1,600,000, while expenses have a projected surplus of \$31,800,000. 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. Staff will continue to closely monitor both revenues and expenditures.

RESOLUTION NO. 199-10

Re: **PRESENTATION PLAN FOR COLD SPRING
ELEMENTARY SCHOOL GYMNASIUM
ADDITION PROJECT**

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

WHEREAS, The architect for the proposed Cold Spring Elementary School gymnasium addition project, JK Architects & Associates, Inc., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Cold Spring Elementary 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 Cold Spring Elementary School gymnasium addition project developed by JK Architects & Associates, Inc.

Re: **INELIGIBILITY**

Dr. Weast invited the following people to the table: Mr. Adrian B. Talley, community superintendent, Office of School Performance; Mr. Stephen M. Zagami, director, Department of Student Services, Office of Special Education and Student Services; Mr. Kevin A. Hobbs, principal, Watkins Mill High School; and Mrs. Kimberly Johnson, principal, Briggs Chaney Middle School. Additionally, members of the Ineligibility M-Stat Team are present in the audience.

Goal 2 of the Montgomery County Public Schools (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, Provide an Effective Instructional Program, includes the Board of Education's academic priority that staff will "use student, staff, school, and system performance data to monitor and improve student achievement." Ineligibility for extracurricular activities is a data point that aligns with this goal.

With the release of the Office of Shared Accountability's research brief, *Academic Ineligibility for Extracurricular Activities*, MCPS renewed its study of the myriad factors that result in ineligibility and worked to create school supports, services, and interventions to decrease the percentage of students who are chronically ineligible to participate in extracurricular activities (ineligible three or four marking periods in one academic year). Factors that may result in ineligibility include, but are not limited to, school connectedness, attendance/truancy, suspension, limited or interrupted education of Multidisciplinary Educational Training and Support (METS) Program students, and loss of credit. Out-of-school factors such as family care responsibilities and part-time jobs can result in students being unavailable for the many after-school programs offered at every school. This, too, can contribute to students becoming ineligible. While we are pleased that we are making some progress in reducing ineligibility, this issue remains a conundrum. However, it is one that we are committed to addressing as it is an important component of the work to improve the educational experiences of every student.

For the past three years, the percentage of ineligible students has declined in every disaggregated student group. Unfortunately, ineligibility remains a more significant problem in our higher poverty schools. However, even in "red zone" schools, ineligibility is declining. This progress indicates that our system is on the right track, but there is much work still to do. The purpose of this memorandum is to provide an update on the system's efforts to reduce ineligibility for middle and high school students, the progress made to date, and plans for future activities.

Although progress has been made in reducing the percentages of ineligible students in every student group, continued focus and work are needed to eliminate disparities that exist between student groups, particularly for African American students, Hispanic students, and students receiving special services. The Ineligibility M-Stat Team will continue to hold itself accountable for reviewing and analyzing system and school-level data and highlighting best practices for school administrators. Additionally, the team will examine existing MCPS policies and practices that impact eligibility and make recommendations for those policies and practices to be revised as appropriate.

Re: **DISCUSSION**

Board members individually thanked staff for the presentation and the work that is being done on this topic.

Dr. Docca wanted to know if the surveyed and focus group students have a suggestion on how to increase the expectations of teachers. Staff thought that the predominant thoughts of students were relationships with staff members and a key to maintain eligibility.

Dr. Docca noted that Councilmember Ervin has been involved in truancy and dropouts. After a few incidents or absences, teachers and administrators are in contact with the student and parents to resolve any issues in lieu of suspensions and ineligibility.

Mr. Hwang asked why MCPS has an ineligibility policy since it disengages students from school. Also, the survey pointed out that students who are ineligible are treated differently than other students. Staff did not look at the policy. Other school districts review ineligibility more often and students flow in and out of eligibility every three weeks.

Ms. Berthiaume reflected on the study skills course as a way to increase time management and self-advocacy. Generally, she hoped those skills were taught in middle school. She noted that Latino ineligibility is an obstacle to student achievement. There is a real concern in the community that the policy does not aid motivation. She expressed concern about the policy and whether the Board had struck the right balance because it disconnects students from school. Ms. Berthiaume suggested that M-Stat also look at ineligibility for special education students.

Ms. Brandman reflected when there was a review of ineligibility, and it raised the concern over the balance of athletics and motivation for academics. In the policy, there are opportunities for students that do not require eligibility. The language grounded in the policy is tied to extracurricular activities, but is it really all about academics. The policy speaks to schools sharing best practices and evaluates success.

Mrs. O'Neill pointed out that all ninth graders start with a clean slate. Any information from the middle schools identifying students at risk is important.

Dr. Weast noted that the outcome is to grow a young student into a disciplined adult. For the student to grow from dependence to independence has to be individually tailored. It is about relationships and engagement, with underlying expectations.

Mr. Barclay remembered that the Blair community was one that put forth a proposal several years ago for provisional eligibility. The numbers reflect thousands of students who are ineligible, which reflects the gap in academics. He was concerned that the sports academies are being cut, and there will be fewer adults developing relationships with young people. In the survey, students stated that it was hard to learn due to distractions. Has staff identified those distractions? Staff replied that there will be a May

webinar to share best practices and collect questions on attendance, truancy, suspension in order to find solutions.

Mr. Barclay stated that at the press conference dealing with the truancy court, one factor focused on was eligibility. The concern is what kind of intentional things are done to address eliminating ineligibility. For every parent who has a child who is not eligible, it means they are not successful academically. He wanted to send a message that the dollars lost by the school system and recreation does irreparable damage when a student is ineligible for multiple grading periods. Those are the same students who will become dropouts through suspensions, truancy, and ineligibility.

Mr. Kauffman associated himself with the comments of his colleagues. He thought that special education students have IEPs developed for them to be successful. If data show they are performing poorly, there are issues that go beyond relationship, and a reassessment of the interventions necessary to help these students is needed

RESOLUTION NO. 200-10 Re: **FINAL ACTION ON POLICY EID, TAX-DEFERRED ANNUITY PROGRAM**

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

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 draft of Policy EID, Tax Deferred Annuity Program, was adopted tentatively by the Montgomery County Board of Education on November 10, 2009, and sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received the Board of Education Policy Committee's recommendations and received no comments from the public; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy EID, *Tax Deferred Annuity Program*, as follows:

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. 201-10

Re: **FINAL ACTION ON POLICY GIJ,
OPERATING FUND INVESTMENTS**

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

WHEREAS, Policy GIJ, *Operating Fund Investments*, establishes the investment scope, objectives, and guidelines for the investment of school district operating funds; and

WHEREAS, The draft of Policy GIJ, *Operating Fund Investments*, was adopted tentatively by the Montgomery County Board of Education on November 10, 2009, and sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received the Board of Education Policy Committee's recommendations and received no comments from the public; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy GIJ, *Operating Fund Investments*, as follows.

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. 202-10 Re: **RESCISSION OF POLICY GBB,
DEPARTMENT OF EMPLOYEE
ASSISTANCE SERVICES**

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

WHEREAS, During the ongoing review of policies by the offices responsible for the content, one policy was identified for rescission; and

WHEREAS, After reviewing staff's proposals, the Board of Education Policy Committee recommends one policy for rescission; now therefore be it

Resolved, That Policy GBB, *Department of Employee Assistance Services*, be rescinded. The overarching human resources policy, Policy GAA, *Positive Work Environment in a Self-renewing Organization*, specifically directs the system to support employee well-being through the provision of an employee assistance program. Procedures to address employee well-being are included in Regulation GBB-RA, *Employee Assistance Program*.

Department of Employee Assistance Services

Resolved, That the following Policy be approved as the official policy for the Department of Employee Assistance Services and for the Montgomery County Public Schools; and be it further

Resolved, That copies of this policy be distributed to all MCPS employees.

PURPOSES

The MCPS Department of Employee Assistance Services (DEAS) works with employees and their families who have problems which can and do frequently affect their job performance. Included are those which are behavioral/medical in nature and may involve physical illness, mental and/or emotional disturbance, and chemical abuse or dependency involving alcohol and/or other drugs. Often there is involvement with marital, family, financial, legal, and/or job-related concerns.

The program provides crisis intervention, pretreatment or prereferral evaluation and counseling, information, referrals and follow-up services. The key function of the DEAS is to serve as a bridge between troubled employee and public and private resources in the community, the metropolitan area, the state, and the nation. Within MCPS, the DEAS often acts in an advocate's role for those clients involved in the program. Staff and client together seek reasonable and acceptable alternatives and sources of help.

POLICY

The Board of Education of Montgomery County, Rockville, Maryland (BOE); the Montgomery County Education Association (MCEA); and the Montgomery County Council of Supporting Services Employees, Inc. (MCCSSE) recognize that a wide range of problems not directly associated with one's job function may have an effect on an employee's job performance. The problems may be behavioral/medical in nature and involve physical illness, mental or emotion illness, alcohol abuse or alcoholism, and/or other drug abuse or dependency; or may involve marital, family, financial, and/or legal concerns. Alcoholism and other chemical dependencies are recognized as being progressive and potentially fatal but treatable illnesses. Mental and emotional problems are recognized as inherent to human existence, frequently disabling, and potentially destructive but treatable illnesses.

Ordinarily, the employee will overcome such personal problems independently, and the effect on job performance will be negligible. At other times, routine supervisory assistance may aid in the resolution of such problems so that an employee's declining job performance will return to an appropriate and acceptable level. However, in some instances, neither the efforts of the employee nor the supervisor will have the desired effect of resolving problems which may be contributing to unsatisfactory job performance either intermittently or on a continuing basis.

The purpose of this policy is to assure employees that if such personal problems are or may be the cause of current and/or future unsatisfactory job performance that they will receive an offer of assistance to help resolve such problems in an effective and confidential manner.

The BOE, MCEA, and MCCSSE agree that almost any human problem can be successfully resolved or treated provided it is recognized in its early stages and the assistance of an appropriate helpful resource such as medical, psychiatric, counseling, and/or self-help service is sought.

This aid will be made available to the employee through the MCPS Department of Employee Assistance Services.

It is the responsibility of any employee who has physical, mental, and/or emotional problems which are or have the potential of affecting job performance to seek early intervention, assistance, and appropriate treatment, or to accept it if offered.

It is the responsibility of any employee who is chemically dependent or who abuses alcohol or other drugs to seek early intervention, assistance, and treatment, or to accept it if offered.

Treatment for mental and emotional illness, alcohol and/or other drug abuse or dependency is covered by the present sick leave policy. Extended leave for treatment and rehabilitation can be arranged using accumulated sick leave, sick leave banks, extension of sick leave, annual leave, and/or leave without pay on the same basis as for other physical and medical problems.

Concerted efforts will be made to assure that mental and/or emotional illness, alcohol abuse and/or alcoholism, and other drug abuse and/or addiction will receive the same employee benefits and insurance coverages provided for other illnesses under established MCPS employee benefit plans.

An employee's work performance can be affected by the problems of an employee's spouse and other dependents. When this is evident, to the families of employees, time and staff permitting.

MCPS retirees may also use the services of the DEAS, time and staff permitting.

Employees and DEAS clients are assured that their job, tenure, future, and reputation will not be jeopardized by utilizing this service.

PROCEDURES

Employees with problems for which the DEAS can provide guidance or assistance are encouraged to voluntarily seek information, referral, and related services, on a

confidential basis, by contacting the director of the DEAS or any member of the DEAS staff.

Supervisors are encouraged to refer employees to the DEAS for additional assistance when routine supervisory efforts have failed to produce sustained improvement in previously identified job performance problems.

For those employees who have job performance problems that are related to problems for which the DEAS provides assistance, the Board of Education, represented by the Departments of Professional Personnel and Supporting Services Personnel, the Ombudsman/Staff Assistant to the Board, and the Department of Human Relations, will encourage that the services of the DEAS be sought.

MCEA and MCCSSE have agreed to encourage members of their respective organizations who are experiencing personal or on-the-job problems to seek help through the services of the DEAS.

All records pertaining to clients in this program will be maintained with the strictest confidentiality in accordance with the highest medical, legal, and ethical standards. All records will be segregated from an individual's personnel records.

RESOLUTION NO. 203-10 Re: **CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Monday, April 26, 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 to 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. 204-10 Re: **REPORT OF CLOSED SESSION**

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

On March 22, 2010, by unanimous vote of members present, the Board of Education voted to conduct a closed session as permitted under the *Education Article* ' 4-107 and *State Government Article* ' 10-508, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on March 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 approved the closed session minutes for September 12, 2010.
2. Discussed matters of an administrative function (consideration of the acquisition of real property, strategies for funding of the operating budget and maintenance of effort waiver, and reorganization of staff) which are outside the purview of the *Open Meetings Act* (Section 10-508(a)(3) and (9) of the *State Government Article*).

In attendance at the closed session for appeals were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Tim Hwang, Phil Kauffman, Patricia O'Neill, Roland Ikheloa, Suzann King, Glenda Rose, and Laura Steinberg. At 5:35 p.m., the following staff joined the Board in closed session: Aggie Alvez, Larry Bowers, Brian Edwards, Frieda Lacey, Joe Lavorgna, Chris Richardson, Frank Stetson, Dana Tofig, Janice Turpin, Jerry Weast, and Mary Pat Wilson.

RESOLUTION NO. 205-10 Re: **MINUTES**

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 approve its minutes for February 17, February 22, March 9, and March 22, 2010.

RESOLUTION NO. 206-10 Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(a) of the *State Government Article* of the *Annotated Code of Maryland*; now therefore be it

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

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
2010-1	Grade Placement	Reversed
2010-2	Alternative Placement	Affirmed
2010-4	Alternative Placement	Affirmed

Re: **BOARD COMMITTEE UPDATES**

Ms. Brandman noted that the Special Populations Committee will have a new meeting date as soon as possible

Mr. Barclay reminded everyone that the Fiscal Management Committee will meet on April 19, 2010, at 10 a.m.

Dr. Docca stated that the Strategic Planning Committee will meet on April 20, 2010.

Re: **NEW BUSINESS**

There were no new business items.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-Owned Business Procurement Report for the Third Quarter of Fiscal Year 2010

RESOLUTION NO. 207-10 Re: **ADJOURNMENT**

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 adjourn its meeting of April 15, 2010, at 3:35 p.m.

PRESIDENT

SECRETARY

JDW:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Hwang	Kauffman	O'Neill
Policy EID	A	A	A	A	O	A	A	A
Policy GIJ	A	A	A	A	O	A	A	A
Policy GBB	A	A	A	A	O	A	A	A

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

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