

APPROVED
14-2010

Rockville, Maryland
May 11, 2010

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, Rockville, Maryland, on May 11, 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. 223-10 Re: **RESOLUTION FOR CLOSED SESSIONS**

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

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on May 11, 2010, in Room 120 from 8:30 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, Appointments, and the Sexual Harassment Quarterly 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 discuss collective bargaining negotiations 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 receive legal advice about potential litigation, as permitted under Section 10-508(a)(7) 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 May 11, 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. 224-10 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for May 11, 2010.

RESOLUTION NO. 225-10 Re: **SALUTE TO SCHOOL FOOD AND NUTRITION SERVICE PERSONNEL DAY**

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

WHEREAS, State Superintendent of Schools Nancy S. Grasmick has declared May 5, 2010, as the twenty-fifth annual Salute to School Food and Nutrition Service Personnel Day; and

WHEREAS, The school cafeteria and the service provided by its personnel to students, faculty, and other staff are integral to the operations of Montgomery County Public Schools; and

WHEREAS, The 13 million meals that are served annually to Montgomery County school children under the National School Lunch and School Breakfast programs are testimony of the valuable contribution made by school food and nutrition service personnel each year; and

WHEREAS, School food and nutrition service personnel deserve to be recognized for their dedication and continuing commitment to feeding and educating students, and offering a

variety of nutrition services to the community; now therefore be it

Resolved, That the Board of Education does hereby recognize food and nutrition service personnel in honor of the twenty-fifth annual Salute to School Food and Nutrition Service Personnel Day in Montgomery County Public Schools.

RESOLUTION NO. 226-10Re: **RECOGNITION OF NAACP SCHOLARSHIP
RECIPIENTS**

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

WHEREAS, The Montgomery County Branch of the National Association for the Advancement of Colored People has awarded eight \$1,000 scholarships to outstanding students residing in Montgomery County, all of whom attend Montgomery County Public Schools; and

WHEREAS, Senator Nancy J. King has awarded two additional \$1,000 scholarships renewable for four years to exemplary students in our school district; and

WHEREAS, The National Association for the Advancement of Colored People has selected "What Challenges Does the NAACP Face Going Into Its Second Century?" as the theme of its scholarship competition this year; and

WHEREAS, Montgomery County acknowledges and honors the achievements of African American students to our county; and

WHEREAS, The Montgomery County Board of Education is especially proud that Montgomery County Public Schools continues to celebrate the contributions and accomplishments of African American students; now therefore be it

Resolved, That on behalf of the superintendent of schools, staff, students, and parents of Montgomery County Public Schools, the members of the Board of Education congratulate the recipients of this year's National Association for the Advancement of Colored People scholarship awards and the recipients of Senator King's scholarship awards:

Grace Elizabeth Brock from Quince Orchard High School
Langston Brown from Bethesda-Chevy Chase High School
Michelle Byamugisha from Poolesville High School
Francoise Djoukeng from Montgomery Blair High School
Talin Eshe Raenelle Hill from Winston Churchill High School
Landry Horimbere from Springbrook High School
Franklin Pokam from Richard Montgomery High School
Milton Pratt from Poolesville High School

Quet Quarthey from Watkins Mill High School
Spencer Williams from Watkins Mill High School

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Juan Sian	Thomas Edison High School
2. Jade Williams	Thomas Edison High School
3. Ruth Ilan	Operating Budget
4. Lauren Hammer	Procurement
5. Charles Ritchie	Visual Art Center (VAC)
6. Susan Miller	Operating Budget
7. Ann Riley	Operating Budget
8. Wei Wang	VAC
9. Shelley Deppa	VAC
10. Elizabeth Toretzky	VAC
11. Michael Shevitz	VAC
12. Bob Drogin	VAC
13. Heidi Landecker	VAC
14. Angélica Temoche	VAC
15. Christopher Lloyd	Teacher Evaluation System

Re: **DISCUSSION**

Mrs. O'Neill stated that the Board has adopted its recommended operating budget. The Board's action in February adopted a budget that maintained programs. Since that time, the county executive released his recommendations, which included \$137.7 million in reductions to the MCPS FY 2011 operating budget. Based on that number, the superintendent initiated staffing allocations for FY 2011. Since that time, the County Council thinks MCPS has not faced enough pain. However, the people who made public comments are the faces of that pain. The Board will not take final action on the budget until June. One problem is that the budget reductions could become far worse than \$137 million. At this time, the County Council is seeking \$33 million more worth of reductions. Finally, if the county does not get the waiver from the state, there could be \$51 million in penalties.

Ms. Berthiaume stated that she has received many emails regarding the Visual Arts Center. She is a stronger believer in the arts, especially the VAC. The state code specifically addresses visually and artistically talented children.

Mr. Barclay applauded the students who came to testify in support of the Visual Art Center and Thomas Edison High School since they are the real faces of education. That program

does not get enough recognition for its valuable work. Reductions of \$200 million for the school system would be dire, with 1,600 employees losing jobs. With those factors facing the Board of Education, what will it do for young people in Montgomery County? He asked staff to help the Board understand how it plans to maintain a program like the Visual Art Center with a reduction of 50 percent of staff. What are the options? Ms. Brandman wanted to know which courses would be retained. Finally, Mr. Barclay stated that the Board will take action later in the meeting regarding the Race to the Top.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Hwang announced that Mr. Alan Xie had been elected the new Student Member of the Board. Mr. Hwang pledged to work with Mr. Xie to provide a smooth transition.

Mr. Durso stated that the Board hoped for better financial conditions, but for now the Board will make some difficult decisions. All programs are valuable. He hoped that the community will be patient as these decisions are made. Finally, he reported that he attended the dedication of Francis Scott Key Middle School. This new building has rejuvenated the community.

Mr. Kauffman associated himself with the remarks of Mrs. O'Neill and Mr. Durso. The Board needs to be clear on the direction it is heading. Further, penalties from the state **is not a may, it is a will** based on the direction the County Council is leaning toward with additional reductions. Additionally, he attended the MCCPTA Special Education Recognition Awards ceremony with many outstanding teachers and students. With other Board members, he attended the awards ceremony for outstanding scholars by the Montgomery County Alliance of Black School Educators. Finally, the Board attended a meeting at RICA and heard with heartwarming stories from parents about their children.

Ms. Berthiaume commended the staff and principal at RICA. It is important that this program stay in place in partnership with the state.

Dr. Docca attended the following events: (1) the Edison ceremony with 25 winners in the SkillsUSA Competition; (2) three of the George B. Thomas Academies closing ceremonies; (3) the University of Maryland's Black Child Development Institute workshops for careers; and (4) Delta workshop about careers for students. Finally, Montgomery County Alliance of Black School Educators (MCABSE) has been reconstituted through the hard work of Dr. Lacey and Dr. Weast.

Ms. Brandman associated her remarks with her colleagues about the budget since the circumstances are dire at this moment. The dollars the Board invests are for student opportunities and to open doors. When talking about dollars and the school system, everything translates to the classroom.

Mr. Barclay reported on his attendance at the graduation ceremony for LearnServe International, where students learn how to be a change agent in the community. The investment in education is the investment in opportunity, and slashing budgets burns opportunities. The Board is entering into the graduation season soon, with students earning scholarships and going to college.

Dr. Weast commented on the many accomplishments by MCPS students that are recognized at this time of year. He mentioned a few in the important fields of science and mathematics. North Bethesda Middle School recently won the middle school division of the Maryland State Science Olympiad. Four students from Montgomery Blair High School won first place and \$20,000 in the Moody's Mega Math Challenge held last month in New York City. Thirty-two student and teacher interns working side-by-side with scientists at the National Institutes of Health were celebrated at the 20th annual Howard Hughes Medical Institute symposium. Anand Oza, a senior at Montgomery Blair, is one of twenty students from around the nation who earned a spot on the U.S. Physics Team. Congratulations to all these students—and their teachers, principals and families.

Re: **AUTHORIZATION FOR LEGAL ACTION
RELATED TO THE BOARD OF
EDUCATION'S FY 2011 OPERATING
BUDGET REQUEST**

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

WHEREAS, In the last two fiscal years, the school system's budget has been reduced and savings totaling \$223,000,000 made available to the County through hiring freezes, expenditure restrictions, cuts in existing services, and the agreement of our 22,000 employees to forgo any cost-of-living salary adjustment; and

WHEREAS, The Board of Education and the superintendent of schools worked cooperatively with the Montgomery County Executive to balance the needs of the school system, its 22,000 employees, and its 142,000 students with the fiscal realities facing local government; and

WHEREAS, The Board of Education and the superintendent of schools, for the second year in a row, are supporting and joining with the County Council and the County Executive to seek a waiver of the County's obligation to fund so-called "maintenance of effort" from the Maryland State Board of Education; and

WHEREAS, The requested waiver effectively would reduce the school system's budget by an additional \$137,700,000 and subject the school system to a decrease in state education funding of up to \$51,300,000, if the waiver is not granted; and

WHEREAS, Further reductions by the County Council to the school system's budget below that recommended by the County Executive will most certainly trigger a penalty of up to \$51,300,000 in state aid even if the State Board of Education approves the County's request for a waiver of maintenance of effort; and

WHEREAS, These significant reductions in the school system's budget come at a time when the school system's enrollment increased by approximately 4,000 students over the past two years, including a 10 percent increase in the number of students receiving Free and Reduced-price Meals System services in just one year, so that nearly one-third of elementary school students are eligible to receive subsidized meals; and

WHEREAS, An additional reduction of at least \$30,000,000 proposed by some members of the County Council will threaten the education reforms that have resulted in record student achievement and could lead to a significant dismantling of the school system's programs in this County; and

WHEREAS, Additional reductions of at least \$30,000,000 combined with a potential state penalty of \$51,300,000 will be very difficult, if not impossible, to implement before the opening of school; and

WHEREAS, The students and families rely on the school system to provide nutrition, often not available elsewhere, and an education that is closing the gap and providing students with the ability to enter college and to enter careers to become productive citizens and taxpayers; and

WHEREAS, The Board of Education has a fiduciary duty to provide the education our students require to secure their futures and a statutory duty, pursuant to Section 4-101 of the Education Article, to promote the interests of the schools under our jurisdiction; and

WHEREAS, The County Council is without legal authority to reduce the school system's budget beyond reductions made by the County Executive when the level of funding he proposes is below the level required by state law to maintain the effort; now therefore be it

Resolved, That legal counsel representing the Board of Education and the school system are hereby authorized to take any and all appropriate legal action to prevent the County Council from exceeding its authority by making any further reductions in the County Executive's recommendation for the FY 2011 Operating Budget for Montgomery County Public Schools.

Re: **DISCUSSION**

Mr. Barclay stated that was a difficult time leading to the adoption of the operating budget for FY 2011. He wanted to give context to this resolution based on the response sent to the County Council from its senior legislative attorney, Mr. Faden. Something that was extremely disturbing was a paragraph that explained why he believes that the Board of Education does not have a case to sue the County Council in order that they do not reduce the budget below the Maintenance of Effort (MOE) level. Mr. Faden said that “although the loss of an increase in state funding over the prior year, if any county does not meet its maintenance of effort level, it is often characterized as a penalty. This is not an accurate term; rather, the potential loss of eligibility for an increase in state funding over the prior year serves as an incentive for each county—not a legal requirement.”

Mr. Barclay stated that he was perplexed, confused, confounded, and almost embarrassed to have the County Council’s legal advisor send them information to say the law is an incentive. It is almost like saying that a speeding ticket (speeding 85 MPH in a 35 MPH zone) is an incentive to obey the speeding laws. No, the ticket is a penalty for breaking the law. The Board has to deal with the fact that if we do not make MOE and we do not get the waiver, there will be a penalty. Unfortunately, what the County Council is advised to do is to ignore the fact that there will be additional pain pushed onto the school system; therefore, actions that could be taken at the end of May by the County Council could force the school system to endure a \$51 million penalty. That is extremely frustrating. The entire Board has worked hard to advocate for the budget and supported the superintendent in his efforts to work with the County Council. We will continue to do that and we are hoping that cooler heads will prevail. Ultimately, we have not come to this point. It is important that the Board stands together and be very clear that we will do whatever it takes to help ensure that the young people have the opportunities addressed earlier. The Board will do what it has to do to protect those opportunities and ensure, in fact, that those opportunities are there for the future. Not to ignore state law; not to ignore MOE; it is a reality and it is there to ensure that education budgets are not decimated.

Mr. Barclay made these statements because of the memorandum sent to the County Council on May 5 by Mr. Faden. Mr. Barclay was disappointed and perplexed at some of the facts that Mr. Faden seems to minimize when it comes to state law and MOE. That is further incentive for the Board to ensure that we stand together if necessary; hopefully, the Board not have to bring suit, but the Board must be ready.

Mr. Kauffman stated that preparing for today, he did not know what tone to take, such as angry, humble, or conciliatory. What is the message that needs to be sent to the County Council with regard to the way the school system is being treated over the last several weeks with all the public discussions of the MCPS budget? Before he got to the point of the lawsuit which he supported, Mr. Kauffman wanted to talk about the concept of “sharing the pain with furloughs.” That is where it started, with the county executive recommending 10 days of furloughs for county employees, and then it became that everyone should take a

day and a half and spread the pain of \$15 million across the county. There is no doubt that the county government is seriously impacted by the county executive's recommendations. There is no doubt that county employees will lose jobs, and furloughs will be painful. The number has now changed to five days for every county employee, including the school system. It was interesting that the research done on furloughs for schools. First, there was the statement that the furlough solution was being implemented all over and has become a common practice. However, only nine school systems nationwide have implemented furloughs. What it comes down to is furloughing teachers. Mr. Kauffman stated that he was almost insulted by the tenor of the County Council because without furloughs there will be a penalty. There has not been a meaningful discussion, but a discourse on how to share the pain. Personally, the Board as a body is being disrespected by the county government.

With regard to the lawsuit, Mr. Kauffman noted that the message he is getting from the County Council and legal brief has a couple of points. First, the point is it is not a penalty but an incentive. Last year, there was a campaign to get the penalty waived. Around the state, there was pushback by other counties because they met MOE with making the sacrifices. The thought was why should Montgomery County get a waiver with the county not willing to make MOE. Mr. Kauffman was not sure that there is a compelling case for another MOE waiver. The state does not fund the school system up to its own formula, but apparently the County Council is willing for the state to withhold \$51 million. The taxpayers of Montgomery County need to understand this issue. Mr. Kauffman did not understand the rationale.

Second, Mr. Kauffman thought the county's opinion is shocking by the conclusion that MOE is not mandatory but optional. That is a surprising conclusion. Last year, there was legislation and task forces reviewing the law for amendments. Last week, Dr. Thornton was quoted as saying that he was pleased that the General Assembly did not change the MOE law since it is critical to educational funding in Maryland. Mr. Kauffman opined whether Dr. Thornton agreed with Mr. Faden that MOE is not mandatory.

Mr. Kauffman thought the last thing to do was litigate. There is a need to work out the funding for FY 2011. No one will be a winner if there is litigation. There is a need to find a resolution that does not force the Board to court. The Board's core values state that the Board and MCPS are committed to doing whatever it takes to ensure that every child regardless of race, ethnicity, gender, socioeconomic status, language proficiency, or disability, learns and succeeds.

Ms. Berthiaume stated that she supports the resolution. One provision in state law that she is happy to refer to states that the State Board of Education members do everything in their power to secure funding for the school system. She associated her remarks with those of Mr. Kauffman regarding litigation. In her practice, she never encourages litigation because it is a painful, expensive, and nasty process even though sometimes it is necessary. In this case, the Board would be in a different place if the County Council bore the penalty for not

funding MOE. The perverse nature of the law was not changed by the legislature.

Ms. Brandman echoed the concerns of her colleagues. The Board is taking action today since it is the last meeting before the County Council's straw vote. The Board is not jumping to litigate; the Board is not eager to litigate. This action would be a last resort to protect the resources needed to educate a rapidly growing student body with increasing learning demands. The system has and will continue to dedicate concerted effort at both formal and informal conversations with members of the County Council to resolve the budget. It is critical to say that the school system is already coping with \$137.7 million reduction from a legally mandated obligation of MOE. That is not an MCPS creation, but a state law expressly designed to protect education by requiring some minimal floor commitment to students. Again, the county is seeking a waiver from the State Board in recognition of incredible difficult fiscal times. That reduction is touching classrooms, losing teachers, and spending \$1,000 less per student. However, it is critical that this budget process is not made \$51 million worse. Regarding furloughs, she reiterated that bus drivers and cafeteria worker only work on instructional days. Five days of furloughs would be five fewer days at schools. There are 35,000 children who depend on the schools for meals. Escalating furlough numbers is not a solution.

Dr. Docca agreed with the points made by her colleagues. She stated that Mr. Kauffman brought out the statistics about nine school districts that have done furloughs—nine out of 18,000 is not a workable recommendation. [MCPS has been cited as excellent in education; thus, making Maryland first in the nation.](#) Without the education in MCPS, students would not be getting \$220 million in scholarships and students would not be winning awards and prizes. MCPS staff has made sacrifices amounting to \$223 million in COLAs and lack of materials for instruction. Dr. Docca was puzzled by those tactics that characterize MCPS as not doing its part. Furthermore, programs are evaluated and managed; utilities are bought in bulk and in advance; and practices are good in evaluating programs and personnel. The Board has to stand fast for the children. This is the only way to do it since MCPS is squeezed between the Council and state.

Mr. Hwang stated that behind the numbers are the faces of students whose future is being jeopardized as a result of budget reductions. He hoped that when the County Council takes final action on the budget, it keeps in mind that it has the the futures of 142,000 students in its hands. It is the obligation of the Board and administrators to do whatever it takes to protect the future of all students. He supported the resolution.

RESOLUTION NO. 227-10

Re: **AUTHORIZATION FOR LEGAL ACTION
RELATED TO THE BOARD OF EDUCATION'S
FY 2011 OPERATING BUDGET REQUEST**

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

Ms. Brandman, Dr. Docca, Mr. Durso, Mr. Hwang, Mr. Kauffman, and Mrs. O'Neill voting in the affirmative (unanimous):

WHEREAS, In the last two fiscal years, the school system's budget has been reduced and savings totaling \$223,000,000 made available to the County through hiring freezes, expenditure restrictions, cuts in existing services, and the agreement of our 22,000 employees to forgo any cost-of-living salary adjustment; and

WHEREAS, The Board of Education and the superintendent of schools worked cooperatively with the Montgomery County Executive to balance the needs of the school system, its 22,000 employees and its 142,000 students with the fiscal realities facing local government; and

WHEREAS, The Board of Education and the superintendent of schools, for the second year in a row, are supporting and joining with the County Council and the County Executive to seek a waiver of the County's obligation to fund so-called "maintenance of effort" from the Maryland State Board of Education; and

WHEREAS, The requested waiver effectively would reduce the school system's budget by an additional \$137,700,000 and subject the school system to a decrease in state education funding of up to \$51,300,000, if the waiver is not granted; and

WHEREAS, Further reductions by the Council to the school system's budget below that recommended by the County Executive will most certainly trigger a penalty of up to \$51,300,000 in state aid even if the State Board of Education approves the County's request for a waiver of maintenance of effort; and

WHEREAS, These significant reductions in the school system's budget come at a time when the school system's enrollment increased by approximately 4,000 students over the past two years, including a 10 percent increase in the number of students receiving Free and Reduced-price Meals System services in just one year, so that nearly one-third of elementary school students are eligible to receive subsidized meals; and

WHEREAS, An additional reduction of at least \$30,000,000 proposed by some members of the County Council will threaten the education reforms that have resulted in record student achievement and could lead to a significant dismantling of the school system's programs in this County; and

WHEREAS, Additional reductions of at least \$30,000,000 combined with a potential state penalty of \$51,300,000 will be very difficult, if not impossible, to implement before the opening of school; and

WHEREAS, The students and families rely on the school system to provide nutrition, often

not available elsewhere, and an education that is closing the gap and providing students with the ability to enter college and to enter careers to become productive citizens and taxpayers; and

WHEREAS, The Board of Education has a fiduciary duty to provide the education our students require to secure their futures and a statutory duty, pursuant to Section 4-101 of the Education Article, to promote the interests of the schools under our jurisdiction; and

WHEREAS, The County Council is without legal authority to reduce the school system's budget beyond reductions made by the County Executive when the level of funding he proposes is below the level required by state law to maintain the effort; now therefore be it

Resolved, That legal counsel representing the Board of Education and the school system are hereby authorized to take any and all appropriate legal action to prevent the County Council from exceeding its authority by making any further reductions in the County Executive's recommendation for the FY 2011 Operating Budget for Montgomery County Public Schools.

Re: **ELIMINATION OF LOSS OF CREDIT
PRACTICE**

Dr. Weast invited the following people to the table: Mr. Sean W. Bulson, acting community superintendent, Office of School Performance; Ms. Suzanne A. Maxey, consulting principal, Leadership Development Team; Dr. Henry R. Johnson, principal, Northwood High School; Mr. Edward C. Nolan, resource teacher, Albert Einstein High School; and Mr. Daniel Arias, Grade 11 student, James Hubert Blake High School. In the audience is Mrs. Carol H. Blum, director, High School Instruction and Achievement.

The most recent review of the loss of credit procedure was conducted over an 18-month period from September 2008 to March 2010, by a multistakeholder project team comprising teachers, administrators, central services staff, parents, and students. After a thorough review of the student achievement and attendance data; attendance policies of neighboring jurisdictions; and discussions with a wide variety of stakeholders including the high school Principals Professional Learning Communities, school leadership teams, Councils on Teaching and Learning, and the Montgomery County Council of Parent Teacher Associations, the 2008–2009 project team made the following recommendations:

1. The loss of credit practice should be eliminated starting with the 2010–2011 school year.
2. Unlawful absences should be considered disciplinary infractions that can result in nonacademic consequences as determined by the individual school's discipline committee and outlined in Regulation JFA-RA, *Student Rights and Responsibilities*.

The consequences for this infraction would range from a minimum of a conference to a maximum of administrative detention. Schools should consider consequences that emphasize the importance of increasing student engagement in learning opportunities, including community service and other academic after-school learning experiences.

3. Students are expected to make up missed work regardless of the legal status of their absence in accordance with Regulation IKA-RA, *Grading and Reporting*, and the MCPS Grading and Reporting Procedures Manual. Teachers may assign an equivalent, but different task/assessment to students when they return from any absence. For unlawful absences, teachers may deny students the opportunity to earn credit for missed work/assessments in accordance with the process approved by the principal and the leadership team.
4. Each high school will establish a formal process to promote student attendance. This process will be designed to monitor data, provide targeted interventions, and develop incentives.

A team has been convened to coordinate implementation and communication, the sharing of successful practices, and the analysis of attendance data during the 2010–11 school year. This team has developed an attendance fact sheet to be published on the MCPS website and will be shared with staff, parents, and students. The team also will establish a mechanism for gathering and responding to ongoing feedback and questions. The leadership teams of each high school will develop school procedures for monitoring attendance and providing interventions. School personnel will closely monitor student attendance, develop targeted interventions for students with attendance issues, and develop strategies for promoting good attendance.

Re: **DISCUSSION**

Dr. Docca stated that some parents are not aware that they can keep students home for childcare. She did not think that the elimination of the loss of credit will result in more skipping. There is a tremendous amount of paperwork for this regulation; however, it is important to work individually with students to ascertain why they are missing class. When the emphasis is put on the importance of attendance, there is more understanding by staff and students. Dr. Docca thought that the disciplinary consequences were a good idea if the schools can develop a process that helps students. However, she was concerned about the statement to allow teachers to deny students the opportunity to earn credit for missed work for unlawful absences. This puts a lot of stress on the teachers, and the schools will need to work with teachers for a procedure. She was concerned about the vetting process with the organizations that do not reflect African-Americans or Latinos. Dr. Docca suggested that staff form focus groups with students related to loss of credit. These groups could include organizations that work directly with African-American and Latino students and their

families.

Mr. Hwang noted that the regulation gives students the idea that they have four absences without penalty. The Grading and Reporting Policy eliminated extra credit work as well as loss of credit. The current regulation is a threat to students that does not teach them anything about attendance or reliability.

Mr. Kauffman noted that there were many years of study with work groups. Students need to learn that actions have consequences. He wanted to know what those consequences would be for students. He did not want the message that attendance does not matter. Second, he was concerned about teacher workload and make up work for student absences. Staff explained that counselors meet with the students and parents. The consequences are detentions on Friday or Saturday.

Mr. Barclay associated himself with Dr. Docca's remarks. He wanted to know specific courses where there is the most impact, such as English and algebra. He asked about the fidelity issues, monitoring, and accountability. Since this is a regulation, the Board has oversight. Staff replied that there will be monitoring through the Office of School Performance.

Mr. Durso commended the work group for its work. However, he was concern about unintended consequences because some students may think that attendance does not count. He worried about how the message to students. Mr. Durso and Mrs. O'Neill looked forward to staff monitoring and reporting the outcomes of the loss of credit work group's recommendations.

Re: LUNCH AND CLOSED SESSION

The Board of Education recessed for lunch and closed session from 1:50 to 2:55 p.m.

RESOLUTION NO. 228-10Re: CONTRACTS OF \$25,000 OR MORE

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

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

WHEREAS, Funds have been budgeted for the lease/purchase of copiers awarded through Bid No. 4247.1; and

WHEREAS, The acquisition of previously owned copiers through lease/purchase has been reviewed by legal counsel; now therefore be it

Resolved, That previously owned copiers in the amount of \$450,000 be lease/purchased for a three-year term under the Master Lease/Purchase Agreement with First Southwest Leasing Company; and be it further

Resolved, That the proceeds from the aforementioned financing be used to reimburse Montgomery County Public Schools accounts to the extent that such equipment has been or will be acquired before closing; and be it further

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

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

52-10	Antifreeze	
	<u>Awardee</u>	
	FCC Environmental	\$ 65,000
JMI-6 10-07	Floor Equipment Repair Parts	
	<u>Awardees</u> (See note)	
	City Group, Inc.*	
	National Supply Company	
	Viking Chemicals*	
	Sterling Chemical Company	
	Superior Supply, Ltd.	
	Total	\$ 55,000
0218 08-SP	Copier, Printer, Facsimile, and Related Office Equipment—Extension	
	<u>Awardee</u>	
	Sharp Electronics Corporation	\$156,000
048-06-B3	Bleacher Inspection Maintenance and Repair—Extension	
	<u>Awardees</u> (See note)	
	Modern Door and Equipment Sales	
	T. J. Distributors	
	Total	\$100,000

1155.2	Digital Library Project—Extension	
	<u>Awardee</u>	
	ProQuest, LLC	\$245,000
4060.1	Instructional Software	
	<u>Awardee</u>	
	Kunz, Inc.	\$ 88,000
4247.1	Previously Owned Copiers—Extension	
	<u>Awardees</u> (See note)	
	Capitol Document Solutions	
	Copiers, Plus, Inc.	
	Greater Philadelphia Equipment Company	
	Ricoh Business Solutions	
	Total	\$450,000
4294.1	Instructional Software, LanSchool	
	<u>Awardee</u>	
	LanSchool Technology, LLC	\$ 30,000
4295.1	Educational Services	
	<u>Awardee</u>	
	Potomac Ridge Hospital	\$ 35,000
7004.12	Audio and Visual Equipment and Supplies—Extension	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 15,219
	Audio Visual Innovations, Inc.	1,220
	B&H Photo Video Pro Audio, Inc.	58,372
	Burlington Audio Tapes, Inc.*	4,770
	CCS Presentation Systems*	21,470
	CDW Government, LLC	108,521
	Century Magnetics, Inc.*	750
	CTL Communications Televideo, Ltd.	21,394
	GT Computers*	1,500
	Nicholas P. Pipino Associates, Inc.	40,862
	Troxell Communications, Inc.	19,634

	Valiant, Inc.	6,364
	Video Service of America, VSA, Inc.	229,334
	Washington Professional Systems	28,635
	W. B. Hunt Company, Inc.	<u>11,677</u>
	Total	\$569,722
9051.6	Athletic Cheerleader and Pom Pon Uniforms—Extension	
	<u>Awardees</u> (See note)	
	Cisco, Inc.	
	Maryland Athletic House	
	Riddell	
	Sports Endeavors, Inc.	
	Varsity Spirit Fashions	
	Total	\$120,000
9061.8	Field Hockey Supplies and Equipment	
	<u>Awardees</u>	
	Georgi Sports*	\$ 9,201
	Longstreth Sporting Goods*	27,380
	Sport Supply Group, Inc.	<u>2,801</u>
	Total	\$ 39,382
9065.8	Lacrosse Supplies and Equipment—Extension	
	<u>Awardees</u>	
	Anaconda Sports, Inc.	\$ 8,450
	Bill Fritz Sports Corporation	2,079
	Cannon Sports, Inc.*	1,470
	Georgi Sports*	2,028
	Longstreth Sporting Goods*	2,332
	Pyramid School Products	2,760
	Sport Supply Group, Inc.	13,661
	Sports Stop, Inc.	<u>26,715</u>
	Total	\$ 59,495
9637.2	Fire Alarm Replacements at Various Locations**	
	<u>Awardees</u> (See note)	
	Advanced Fire Protection Systems, Inc.	
	SPC, Inc.	
	Total	\$800,000

9655.1	On Call Electrical Services at Various Locations—Extension **	
	<u>Awardees</u> (See note)	
	Complete Electrical Systems, Inc.	
	Tex/Am Construction Company, Inc.*	
	Web Electric, LLC	
	Total \$300,000	
9687.1	Re-roofing at Ritchie Park Elementary School**	
	<u>Awardee</u>	
	J. E. Woods & Sons	\$263,359
9696.1	Re-roofing at Stonegate Elementary School**	
	<u>Awardee</u>	
	Orndorff & Spaid, Inc.	\$ 137,734
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$3,513,692

* 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. 229-10Re: **CONTRACT APPROVAL FOR BID NO. USMSC99-12 FOR COMPUTERS, ASSOCIATED HARDWARE, AND SERVICES – EXTENSION**

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

WHEREAS, Funds have been budgeted for the purchase of computers, associated hardware, and services; and

WHEREAS, The acquisition of computers, associated hardware, and services has been reviewed by legal counsel; and

WHEREAS, The vendors that have been awarded contracts for computers, associated hardware, and services have agreed to extend the contracts through June 30, 2011; now therefore be it

Resolved, That computers, associated hardware, and services in the amount of \$13,134,753 be leased/purchased for a four-year term under the Master Lease/Purchase Agreement with First Southwest Company; and be it further

Resolved, That computers, associated hardware, and services in the amount of \$4,257,551 be purchased outright through FY 2011 funds; and be it further

Resolved, That the Board of Education extend the contracts for computers, associated hardware, and services through FY 2011 for Montgomery County Public Schools for a total amount of \$17,392,304; and be it further

Resolved, That the proceeds from the aforementioned financing be used to reimburse Montgomery County Public Schools accounts to the extent that such equipment has been or will be acquired before closing; and be it further

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

Resolved, That having been duly advertised, the following contracts will be extended to the vendors as shown below:

USMSC Computers, Associated Hardware, and Services—Extension
99-12

Awardees

Apple	\$ 153,000
Bell Industries	1,602,251
Daly	50,000
Data Networks of America	10,909,050
Dell Computers	2,509,500
Hartford Computer	2,047,503
Microsoft	<u>121,000</u>
Total	\$17,392,304

RESOLUTION NO. 230-10Re: **ACCEPTANCE OF WALTER JOHNSON HIGH
SCHOOL ARTIFICIAL TURF PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board Member Christopher Barclay inspected the Walter Johnson High School artificial turf project on Tuesday, April 27, 2010;

and

WHEREAS, The balance of the modernization project will be inspected at a later date when the project is completed; now therefore be it

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

RESOLUTION NO. 231-10Re: **CONSULTANT APPOINTMENT – STADIUM AND ATHLETIC FIELD LIGHTING INSPECTION**

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

WHEREAS, The U.S. Consumer Product Safety Commission has recommended that all outdoor steel stadium light poles be inspected by a qualified professional; and

WHEREAS, A Consultant Selection Committee, in accordance with the procedures adopted by the Board of Education on April 20, 2006, identified Reliapole Inspection Services Company, LLC as the most qualified firm to provide the necessary professional stadium and athletic field lighting inspection; and

WHEREAS, Staff will negotiate fees for the necessary inspection services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the firm of Reliapole Inspection Services Company, LLC to provide professional stadium and athletic field lighting inspections at all sites with outdoor steel stadium light poles.

RESOLUTION NO. 232-10Re: **ARCHITECTURAL APPOINTMENT – GERMANTOWN ELEMENTARY SCHOOL REPLACEMENT FEASIBILITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a feasibility study for the possible replacement of Germantown Elementary School; and

WHEREAS, Funds for conducting feasibility studies are programmed as part of the FY 2011 Capital Budget; and

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

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grieves, Worrall, Wright and O'Hatnick, Inc. to provide professional architectural and engineering services for the Germantown Elementary School replacement feasibility study for a fee of \$49,050; and be it further

Resolved, That this contract be awarded contingent upon the approval of the FY 2011–2016 Capital Improvements Program by the County Council.

**RESOLUTION NO. 233-10Re: CAPITAL PROJECTS TO BE CLOSED EFFECTIVE
JUNE 30, 2010**

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

WHEREAS, The Board of Education annually closes capital projects and transfers any unencumbered balances to the unliquidated surplus account; and

WHEREAS, The Department of Facilities Management has reviewed capital projects that may be closed effective June 30, 2010; now therefore be it

Resolved, That the capital construction projects listed below, subject to final audit, be closed effective June 30, 2010, and any unencumbered balances be transferred to the unliquidated surplus account:

<u>PDF No.</u>	<u>Project</u>	<u>Balance</u>
026504	Travilah Elementary School Addition	\$ 18,695
076501	Fallsmead Elementary School Addition	265,357
076505	Wayside Elementary School Addition	159,389
016506	Westland Middle School Addition	102,455
076500	Ashburton Elementary School Addition	612,822
016505	Thomas W. Pyle Middle School Addition	46,789

076503 Stedwick Elementary School Addition 382,807

and be it further

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

RESOLUTION NO. 234-10Re: PARTIAL CAPITALIZATION OF SELECTED CAPITAL PROJECTS

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

WHEREAS, The Montgomery County Office of Management and Budget has recommended the capitalization of countywide capital expenditures incurred as of June 30, 2010; and

WHEREAS, Montgomery County Public Schools external auditors concur with this recommendation; now therefore be it

Resolved, That the following projects be partially capitalized in FY 2010, with amounts subject to final audit:

<u>PDF No.</u>	<u>Project</u>	(Amts. in Thousands) Partial Capitalization of Expended Funds
076506	Building Modifications and Program Improvements	\$ 762
926575	Current Replacements/Modernizations	21,600
816633	Heating, Ventilation, and Air Conditioning Replacement	3,633
896586	Planned Life Cycle Asset Replacement (PLAR)	487
056501	Restroom Renovations	820
766995	Roof Replacement	4,000
886550	School Gymnasiums	14,289

RESOLUTION NO. 235-10Re: CONTRACT AWARD – RELOCATABLE CLASSROOMS

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

WHEREAS, The following low bids were received on May 11, 2010, for six separate packages of relocatable classroom moves and returns to vendors from the listed contractors:

	<u>Contractor</u>	<u>Low Bid</u>
Package 1	U.S. Modular Group East, Inc.	\$297,600
Package 2	Prevost Construction, Inc.	252,000
Package 3	Prevost Construction, Inc.	212,000
Package 4	Prevost Construction, Inc.	212,000
Package 5	J&L Services, Inc.	118,000
Package 6	Prevost Construction, Inc.	122,000

and

WHEREAS, The Minority Business Enterprise participation goal for this project was set at 10 percent; and

WHEREAS, The low bidders have submitted 10 percent Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, 10 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation also has been submitted; and

WHEREAS, The low bidders have completed similar work successfully for the Montgomery County Public Schools and/or other jurisdictions; now therefore be it

Resolved, That contracts be awarded to the above-mentioned contractors meeting specifications for the relocatable classroom moves for the amounts listed, in accordance with drawings and specifications prepared by JK Architects + Associates and The K Group.

RESOLUTION NO. 236-10Re: **APPOINTMENT OF MONTGOMERY COUNTY
PUBLIC SCHOOLS EMPLOYEES'
RETIREMENT/PENSION SYSTEM AND
OPEB PLAN TRUST INVESTMENT
TRUSTEES**

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

WHEREAS, On May 8, 2007, the Board of Education reappointed Mr. Neal J. Wilson to the Board of Investment Trustees for the Montgomery County Public Schools Employees' Retirement/ Pension System and Other Post Employment Benefit Plan Trust for a three-year

term ending June 30, 2010; and

WHEREAS, Mr. Wilson has been an active and valued member of the Board of Investment Trustees since July 2004; and

WHEREAS, Mr. Wilson is currently the chief operating officer for EJF Capital; and

WHEREAS, Mr. Wilson has expressed a willingness to continue as a trustee to the Board of Investment Trustees for an additional three-year term; now therefore be it

Resolved, That Mr. Neal J. Wilson be reappointed as trustee to the Board of Investment Trustees for the Montgomery County Public School Employees' Retirement/Pension System and Other Post Employment Plan Trust for a three-year term ending June 30, 2013.

**RESOLUTION NO. 237-10Re: UTILIZATION OF THE FY 2010 PROVISION FOR
FUTURE SUPPORTED PROJECTS FUNDS**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Ms. Brandman, 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 \$430,540 within the FY 2010 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
International Baccalaureate (IB) Research Study Project	\$ 15,540
21stCentury Community Learning Centers Project	375,000
<i>Individuals with Disabilities Education Act</i> —Enhancement of Positive Behavioral Interventions and Supports Project	40,000
Total	<u>\$ 430,540</u>

and be it further

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

RESOLUTION NO. 238-10Re: FY 2010 THIRD QUARTER CATEGORY AND OBJECT TRANSFERS REQUEST

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

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

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

Resolved, That the superintendent of schools be authorized to effect FY 2010 categorical transfers of \$478,550 in the following categories:

Maryland State School Improvement

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 5,701	
4	Textbooks and Instructional Supplies		\$ 3,906
5	Other Instructional Costs		2,250
12	Fixed Charges		_____
	Total	<u>455</u> \$ <u>6,156</u>	_____ - \$ <u>6,156</u>

Smaller Learning Communities

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration		\$ 32,438
3	Instructional Salaries	\$ 32,438	_____
	Total	<u>32,438</u> \$ <u>32,438</u>	_____ - \$ <u>32,438</u>

Title I, Part A

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$
			2,256
2	Mid-level Administration		57,686
3	Instructional Salaries	\$	
		61,407	
4	Textbooks and Instructional Supplies		16,810
5	Other Instructional Costs	11,187	
9	Student Transportation	37,323	
12	Fixed Charges		
			<u>33,165</u>
	Total	<u>\$</u>	<u>\$</u>
		<u>109,917</u>	<u>109,917</u>

Infants and Toddlers—American Recovery and Reinvestment Act of 2009, FY 2010

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$	
		508	
6	Special Education		\$
			<u>508</u>
	Total	<u>\$</u>	<u>\$</u>
		<u>508</u>	<u>508</u>

Conflict and Consensus: Key Moments in U. S. History

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$
			3,565
2	Mid-level Administration	\$	
		20,781	
4	Textbooks and Instructional Supplies		42,629
5	Other Instructional Costs	23,774	
12	Fixed Charges		
		<u>1,639</u>	
	Total	<u>\$</u>	<u>\$</u>
		<u>46,194</u>	<u>46,194</u>

Howard Hughes Medical Institute Science Education

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration	\$ 54,204	
3	Instructional Salaries	175,817	
4	Textbooks and Instructional Supplies		\$
			259,961
5	Other Instructional Costs	53,316	
9	Student Transportation		1,982
12	Fixed Charges		
			<u>21,394</u>
	Total	\$	\$
		<u>283,337</u>	<u>283,337</u>

Resolved, That the superintendent of schools be authorized to effect FY 2010 object transfers of \$259,961 in the following project:

Howard Hughes Medical Institute Science Education

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$	
		230,021	
02	Contractual Services	20,569	
03	Supplies and Materials		\$
			259,961
05	Equipment	<u>9,371</u>	
	Total	\$	\$
		<u>259,961</u>	<u>259,961</u>

and be it further

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

RESOLUTION NO. 239-10Re: HUMAN RESOURCES MONTHLY REPORT

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated May 11, 2010.

RESOLUTION NO. 240-10Re: **DEATH OF CAROLYN S. BERGER, CLASSROOM
TEACHER, WALTER JOHNSON HIGH
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 April 20, 2010, of Ms. Carolyn S. Berger, classroom teacher at Walter Johnson High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 12.3 years Ms. Berger had worked for Montgomery County Public Schools, she constantly demonstrated her commitment to students and their learning making them feel good about their contributions to classroom discussions by using positive compliments; and

WHEREAS, She created an environment of risk taking and reciprocal trust by motivating students using excellent personal relationshipbuilding skills; 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. Berger 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 Ms. Berger's family.

RESOLUTION NO. 241-10Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

Carole C. Goodman, currently principal, James Hubert Blake High School, as associate superintendent, Office of Human Resources and Development

RESOLUTION NO. 242-10Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective May 12, 2010:

Kathleen C. Lazor, currently acting director, Department of Materials Management, as director, Department of Materials Management

RESOLUTION NO. 243-10Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

James C. Song, currently director, Division of Construction, as director, Department of Facilities Management

RESOLUTION NO. 244-10Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

Eric L. Minus, currently principal, Francis Scott Key Middle School, as principal, John F. Kennedy High School

RESOLUTION NO. 245-10Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective May 12, 2010:

Norman L. Coleman, currently acting principal, Cannon Road Elementary School, as principal, Cannon Road Elementary School

RESOLUTION NO. 246-10Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

Jan M. Riley, currently principal, Brown Station Elementary School, as consulting principal, Office of Human Resources and Development

RESOLUTION NO. 247-10Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

Gary B. Barte, currently principal, North Chevy Chase Elementary School, as liaison for MCPS Professional Growth Systems (PGS)—Montgomery County Association of Administrators and Principals

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, commented that the report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of March 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 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. Total savings are \$32.2 million, including \$31.8 in expenditure savings and \$2.0 million in reduced county contribution, partially offset by the \$1.6 million revenue deficit.

** Mr. Durso left the meeting at this time.

RESOLUTION NO. 248-10Re: **PRELIMINARY PLANS FOR WELLER ROAD
ELEMENTARY SCHOOL MODERNIZATION
PROJECT**

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

WHEREAS, The architect for the proposed Weller Road Elementary School modernization project, Delmar Architects, P.A., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Weller Road 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 Weller Road Elementary School modernization project developed by Delmar Architects, P.A.

RESOLUTION NO. 249-10Re: **BOARD'S AD HOC COMMITTEE
RECOMMENDATIONS ON ENHANCING
PROCESS FOR DETERMINING THE
BOARD'S WORK**

On motion of the Ad Hoc Committee, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education schedule a work plan development retreat this summer devoted to the identification of a maximum of six significant topics to be included on the Board's agendas during the upcoming academic year; and be it further

Resolved, That the discussion at the summer retreat determine the focus of the Board's work for the upcoming school year and give guidance to the officers who will then schedule the Board meeting topics through the agenda-setting process; and be it further

Resolved, That the committee work plans also be reviewed and adopted at this summer retreat, and be it further

Resolved, That the Board pilot a new defined process before making changes to the Board Handbook; and be it further

Resolved, That the Board's Communications and Public Engagement Committee and Strategic Planning Committee review and implement the Maryland Association of Boards of Education's *What Counts* model for the Board's fall community forums.

RESOLUTION NO. 250-10Re: **CLOSED SESSION RESOLUTION**

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

WHEREAS, The 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, May 24, 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 under Section 10-508(a)(7) of the *State Government Article*; review and

adjudicate appeals in its quasi-judicial capacity; discuss collective bargaining agreements, as permitted under Section 10-508(a)(9) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*; 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. 251-10Re: **REPORT OF CLOSED SESSION**

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

On April 26, 2010, by unanimous vote of members present, the Board of Education voted to conduct a closed session as permitted under the *State Government Article* 10-508 of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on April 26, 2010, from 5:30 to 7:20 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and approved the Decisions and Orders for Appeals 2010-1, 2010-2, and 2010-4.
2. Reviewed the Equal Employment Opportunity Report, as permitted under Section 10-508(a)(1) of the *State Government Article*.
3. Discussed the Human Resources Monthly Report and Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. As permitted under Section 10-508(a)(9) of the *State Government Article*, the Board received an update on collective bargaining negotiations with all the employee associations.
5. Discussed communications between the Board and superintendent regarding certain matters pursuant to 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, Michael Durso, Phil Kauffman, Patricia O'Neill, Roland Ikheloa, Suzann King, Glenda Rose, and Laura Steinberg. At 5:45 p.m., the following staff joined the Board in closed session: Larry Bowers, Brian Edwards, LaVerne Kimball, Don Kopp, Frieda Lacey, Erick Lang, Jody Leleck, Sherry Liebes, Susan Marks, Chris Richardson, Frank Stetson, Adrian Talley, and Dana Tofig.

RESOLUTION NO. 252-10Re: MINUTES

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

Resolved, That the Board of Education approve its minutes for the meetings of April 8, April 15, and April 26, 2010.

RESOLUTION NO. 253-10Re: APPEALS

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>
2009-31	Personnel Placement	Dismissed
2010-5	Student Expulsion	Affirmed
T-2010-2	Student Transfer	Affirmed
T-2010-3	Student Transfer	Affirmed

** Ms. Berthiaume left the meeting at this point.

RESOLUTION NO. 254-10Re: MARYLAND'S "RACE TO THE TOP" APPLICATION

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

WHEREAS, The Maryland State Department of Education intends to apply for a Race to the Top Grant through the United States Department of Education and is seeking the support of all 24 local boards of education, and

WHEREAS, If selected to receive a Race to the Top Grant, the Maryland State Department of Education could receive up to \$250 million over four years with half of this amount provided to the state's 24 local school districts, provided the districts sign a memorandum of agreement with the Maryland State Department of Education: and

WHEREAS, The Maryland State Department of Education is to be commended for its effort to increase the number of students who are college ready in Maryland and its desire to provide more rigorous instruction that is similar to what is provided to Montgomery County Public Schools students; and

WHEREAS, The Maryland State Department of Education circulated a draft of its application among education stakeholders for review and comment, and Montgomery County Public Schools staff has carefully reviewed the draft application; and

WHEREAS, During the review of the draft application, Montgomery County Public Schools staff identified many areas of the application that are consistent with the reforms pursued in Montgomery County in the last ten years and also identified areas of the application that are in conflict with the district's reform agenda; and

WHEREAS, Montgomery County Public Schools staff finds the application sections related to teacher evaluation inconsistent with professional growth systems, which were developed in consultation with the Montgomery County Public Schools employee associations over the past 12 years; and

WHEREAS, Specifically, the Teacher Professional Growth System is a national model because of its comprehensive approach to teachers' professional development and evaluation; and

WHEREAS, The Teacher Professional Growth System provides support and mentoring for novice and underperforming teachers through the use of expert consulting teachers; and

WHEREAS, The Teacher Professional Growth System employs the Peer Assistance and Review Program, which is designed to assist novice and underperforming teachers, as well as remove such teachers from the classroom should they fail to demonstrate significant improvement, and

WHEREAS, For the last ten years, the efforts of the Peer Assistance and Review Program have resulted in the removal, resignation, or retirement of nearly 400 teachers through a fair process adjudicated by a panel of administrators and teachers, a far greater rate than has been documented in any large school district in the nation; and

WHEREAS, The professional growth systems used in Montgomery County Public Schools are consistent with the *Education Reform Act of 2010* because they consider student growth as a "significant" component of a teacher's evaluation; and

WHEREAS, There is no demonstrable research that proves the elements in the Race to the Top application related to teacher evaluation would create a more effective evaluation system than the proven professional growth systems in Montgomery County; and

WHEREAS, The changes to the teacher evaluation systems contemplated in the application are too nascent to determine whether they would be effective; now therefore be it

Resolved, That Montgomery County Board of Education conditionally supports the Maryland Race to the Top application provided that MSDE allows Montgomery County Public Schools to continue using its highly successful professional growth system, which has yielded exceptional results for students, and incorporates the provisions from the *Education Reform Act of 2010* in the state's application and removes provisions that are not in compliance with the *Education Reform Act of 2010*; and be it further

Resolved, That the Maryland State Board of Education of Education declares the Montgomery County Public Schools Teachers Professional Growth Systems compliant with the *Education Reform Act of 2010* and any future implementing regulations contemplated or adopted by the Maryland State Board of Education.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 255-10 Re: **ADJOURNMENT**

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 adjourn its meeting of May 11, 2010, at 4:00 p.m.

PRESIDENT

SECRETARY

JDW:gr

RESOLUTION	BARCLAY	BERTHIAUME	BRANDMAN	DOCCA	DURSO	HWANG	KAUFFMAN	O'NEILL
Authorization for Legal Action	A	A	A	A	A	A	A	A
Ad Hoc Committee	A	A	A	A	O	A	A	A
Race to the Top	A	O	A	A	O	A	A	A

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

**MONTGOMERY COUNTY BOARD OF EDUCATION
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