

APPROVED  
13-2011

Rockville, Maryland  
May 10, 2011

The Board of Education of Montgomery County held a regular business meeting at the Carver Educational Services Center, Rockville, Maryland, on May 10, 2011, at 10:05 a.m.

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

Absent: Mr. Alan Xie

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

RESOLUTION NO. 227-11 Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously 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 May 10, 2011, in Room 120 from 9:00 to 10:00 a.m. and 12:30 to 1:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Monthly Human Resources and Development 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 the Sexual Harassment Quarterly Report as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on May 10, 2011, to acquit its administrative functions including the discussion of a personnel matter, receive legal advice on that matter, 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. 228-11 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for May 10, 2011.

RESOLUTION NO. 229-11 Re: **SALUTE TO SCHOOL FOOD AND NUTRITION SERVICES PERSONNEL DAY**

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

WHEREAS, State Superintendent of Schools Nancy S. Grasmick has announced May 4, 2011, as the twenty-sixth annual Salute to School Food and Nutrition Services Personnel Day; and

WHEREAS, The school cafeteria and the service provided by its personnel to students, faculty, and other staff are an integral part of 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 Services 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 services personnel in honor of the twenty-sixth-annual Salute to School Food and Nutrition Services Personnel Day in Montgomery County Public Schools.

RESOLUTION NO. 230-11

Re: **RECOGNITION OF NAACP SCHOLARSHIP  
RECIPIENTS**

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

WHEREAS, The Montgomery County Branch of the National Association for the Advancement of Colored People has awarded, at its annual Freedom Fund Dinner, six \$1,000 scholarships to 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 selected "One Nation, One Dream" as the theme of its Freedom Fund Dinner to honor the many accomplishments of African American students; and

WHEREAS, Montgomery County acknowledges and supports deserving students who have demonstrated a strong commitment to understanding the needs of the African American community in our county; and

WHEREAS, The Board of Education takes great pride that Montgomery County Public Schools celebrates the contributions and achievements 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:

Priscilla Agyapong from Wheaton High School  
Olawale Aroyewun from Bethesda-Chevy Chase High School  
Peter Calhoun, IV from James Hubert Blake High School  
Raynell Cooper from Richard Montgomery High School  
Mariatu Fornah from Watkins Mill High School  
Heather Phillips from James Hubert Blake High School

And recipients of scholarships awarded by Senator Nancy J. King:

Mishelle Hadiza Asinobi from Watkins Mill High School  
Dolly Maiah from Gaithersburg High School

**RESOLUTION NO. 231-11            Re:    PUPIL PERSONNEL WORKER WEEK**

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

WHEREAS, The Honorable Martin O'Malley, governor of the State of Maryland, has introduced a proclamation acknowledging May 15–21, 2011, as Pupil Personnel Worker Week to recognize the important role pupil personnel workers play in students' educational success and personal development; and

WHEREAS, The Maryland Association of Pupil Personnel encourages all Maryland school systems to recognize pupil personnel workers' advocacy to promote students' academic and personal success; and

WHEREAS, All children and youth learn best when they are healthy, supported, attend school regularly, and receive an education that meets their individual needs; and

WHEREAS, Pupil personnel workers are trained as liaisons, advocates, and consultants to assess school and community resources, conduct home visits, and implement attendance and behavioral interventions to reduce barriers to learning and enable teachers to teach more effectively; and

WHEREAS, Pupil personnel workers facilitate collaboration that helps parents and educators identify and reduce risk factors to combat truancy, promote proactive interventions to support school completion, create safe schools, and access community resources; and

WHEREAS, It is appropriate for Montgomery County Public Schools to recognize the vital role pupil personnel workers play in the personal and academic development of its students; now therefore be it

Resolved, That the Board of Education does hereby proclaim May 15–21, 2011, as Pupil Personnel Worker Week in Montgomery County Public Schools and commend observance to all of our school community.

**RESOLUTION NO. 232-11            Re:    IN APPRECIATION OF DR. JAMES E. CRONIN**

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

WHEREAS, Dr. James E. Cronin, who served on the Montgomery County Board of Education for eight years from 1982 to 1990, and was elected president of the Board in 1985 and vice president in 1984 and 1987, passed away on Tuesday, April 26, 2011; and

WHEREAS, Dr. Cronin also served as the chair of the Board's Audit Committee and

Research and Evaluation Committee, and was a member of the Montgomery County Human Relations Commission, as well as being a professor of History at Montgomery College; and

WHEREAS, In the eight years that Dr. Cronin served on the Board of Education, he distinguished himself as a thoughtful champion for rigorous educational opportunities for all children and campaigned actively for full funding of the operating and capital budgets in order to meet the needs of the children of Montgomery County Public Schools; now therefore be it

Resolved, That the Board of Education honors the life of Dr. James E. Cronin for giving of himself in the service of Montgomery County's children and for working tirelessly to ensure that all children have access to the appropriate resources for success; and be it further

Resolved, That a copy of this resolution be sent to the family of Dr. James E. Cronin.

Re: **PUBLIC COMMENTS**

The following person commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
Julie Reiley	Proposed cuts to Special Education Programs

Ms. Brandman stated that she had asked staff to look into the issues raised by Ms. Reiley.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Kauffman commented that at the Fiscal Management Committee meeting, several members of the MCPS financial team received pins and recognition from the Association of School Business Officers Certificate of Excellence.

Mr. Durso thanked the members of MCCPTA for the Special Education Recognition Event. It was very impressive and a nice tribute.

Dr. Docca reported that she attended one closing of a Saturday school of the George B. Thomas Learning Academy at Watkins Mill High School and the Performing Arts Awards Gala at Richard Montgomery High School.

Ms. Berthiaume associated her comments with Mr. Durso's about the Special Education Recognition Event. She named the National Merit Scholars from MCPS.

Ms. Brandman agreed with the statements of her colleagues. She attended the meeting at the Carl Sandburg Center, and it was an exceptional visit. She represented the Board at the Keeping It Safe Coalition, which encourages students to communicate peer to peer in helping to keep students safe.

Mrs. O'Neill commented on the (1) retirement celebrate for Dr. Newman, (2) the MCCPTA special education evening, and (3) the George B. Thomas closing. Finally, she noted that Mr. Xie was not at the meeting today due to Advanced Placement exams.

Mr. Barclay associated his comments with his colleagues. He added that he attended the Interages 25th Anniversary celebration.

Dr. Weast commented on (1) three MCPS students named as Presidential Scholars, (2) four students named as Gates Millennium Scholars, (3) National Merit \$2,500 Scholarship winners, and (4) an MCPS student named as a finalist in the "Doodle for Google" contest.

RESOLUTION NO. 233-11      Re:    **APPOINTMENT OF THE SUPERINTENDENT  
OF SCHOOLS AND CONTRACT APPROVAL**

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

WHEREAS, The Board of Education, on April 25, 2011, unanimously approved the appointment of Dr. Joshua P. Starr for a four-year term as Superintendent of Schools for Montgomery County, Maryland, contingent upon final negotiation of an employment contract and the approval of the State Superintendent of Schools, Dr. Nancy Grasmick; and

WHEREAS, Dr. Grasmick has approved the Board's appointment of Dr. Starr as superintendent of Montgomery County Public Schools; and

WHEREAS, The Board of Education believes that Dr. Starr has the vision, commitment, and professional skills to effectively lead Montgomery County Public Schools for the 21st century and to build upon its successful instructional programs in order to provide an innovative educational climate for all students of Montgomery County Public Schools; now therefore be it

Resolved, That the Board of Education hereby approves the terms and conditions of the employment contract to be executed by Dr. Joshua P. Starr.

Re:    **STATEMENT BY Mr. XIE**

"This is an incredible occasion for the Board and school system, and I regret that an academic testing obligation prevents me from being able to sit at the Board table today. Truly, this moment is the culmination of many months of hard work and represents the beginning of very bright future for MCPS. I am glad to have the opportunity to work with Dr. Starr over the next year, and believe that his experience and leadership will enable him to craft Dr. Weast's legacy into his own: a school system that we will all be proud of."

Re:    **INNOVATIONS IN FAMILY ENGAGEMENT**

Dr. Weast invited the following people to the table: Mr. Eric A. Davis, director, Department

of Family and Community Partnerships; Ms. Bronda L. Mills, community superintendent, Office of School Performance; Mr. Kevin E. Lowndes, principal, Wheaton High School; Dr. Rajeev Warriar, co-chair, Parent Advisory Council; Mrs. Louise J. Worthington, principal, John T. Baker Middle School; Mr. John S. Landesman, coordinator, Department of Family and Community Partnerships; Ms. Kristin Tribble, president, Montgomery County Council of Parent Teacher Associations, Inc.; Ms. Patricia Williams, president, NAACP Parents' Council; Ms. Norma Colina, Padres y Alumnos Latinos en Acción.

Montgomery County Public Schools (MCPS) is committed to engaging all parents in their children's education in order to increase student achievement. Preparing students for the challenges of the 21st century demands creativity and synergistic strategies to support student learning and remove barriers to family engagement. More than 40 years of research confirms that family engagement promotes a range of benefits for students, including improved school readiness, higher academic achievement, development of appropriate social skills and behavior, and increased likelihood of graduation from high school and college.

In the 2002 report, *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, authors Anne T. Henderson and Karen L. Mapp conclude that specific types of parent involvement activities are more likely to produce higher levels of student achievement at all ages and across cultural groups than more general forms of parental involvement. Their analysis indicates the most effective parent involvement efforts—

- focus on students' academic learning,
- engage families in supporting their children's learning at home,
- provide parents with specific knowledge and skills, and
- promote respectful and trusting relationships between teachers and parents.

The National Policy Forum for Family, School, and Community Engagement paper, *Beyond Random Acts: Family, School, and Community Engagement as an Integral Part of Education Reform* (December 2010), prepared by Heather B. Weiss, M. Elena Lopez, and Heidi Rosenberg from the Harvard Family Research Project, with support from Southwest Educational Developmental Laboratory, concludes that empirical research on school reform provides a compelling case for elevating family engagement as an educational strategy to improve academic achievement.

Parent engagement is an essential strategy in building the pathway to college and career readiness in today's competitive global society. One of the first steps in this process is to develop purposeful relationships between families and school staff members. The increasing diversity of our community—culturally, economically, and linguistically—has created fertile ground for increased innovation in family outreach practices.

Through the MCPS strategic plan and Board of Education policies ABA, *Community Involvement* and ABC, *Parent and Family Involvement*, the Board has affirmed its belief that family involvement has a positive effect on student learning and healthy development and is an important strategy in reducing achievement gaps. MCPS has been a leader in the

area of parent engagement. In 1990, the Board developed the first parent involvement policy in Maryland and revised it in 2010. Policy ABC, *Parent and Family Involvement*, and MCPS Regulation ABC-RA, *Parent and Family Involvement*, provide the framework for the school system's efforts and embody the following six research-based national standards for effective school-family partnerships that will be utilized to make revisions to Goal 3: *Strengthening Productive Partnerships for Education* of the MCPS strategic plan for next school year.

- **Welcoming all families into the school community**—Families are active participants in the life of the school, and feel welcomed, valued, and connected to each other, to school staff members, and to what students are learning and doing in class.
- **Communicating effectively**—Families and school staff members engage in regular, meaningful two-way communication about student learning.
- **Supporting student success**—Families and school staff members continuously collaborate to support students' learning and healthy development both at home and at school, and have regular opportunities to strengthen their knowledge and skills to do so effectively.
- **Speaking up for children**—Families are empowered to advocate for their children, to ensure that students are treated fairly and have access to learning opportunities that will support their success.
- **Sharing power**—Families and school staff members are important and valued partners with unique information regarding decisions that affect children. Families and school staff members together inform, influence, and create policies, practices, and programs including full engagement in the school improvement process.
- **Collaborating with community**—Families and school staff members collaborate with community members to connect students, families, and staff members to expanded learning opportunities, community services, and civic participation.

Re: **DISCUSSION**

The Board of Education commended staff for a job well done since their commitment is helping students and families. This is where the school system cannot fall short because this is an investment that makes a difference. Study circles are tools to build customer services and student success. Finally, schools need to be welcoming to all who visit.

\*\* Mr. Kauffman left the meeting.

RESOLUTION NO. 234-11

Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, 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:

X001B 7900139	Office Imaging Document Solutions  <u>Awardee</u> Océ North America, Inc.	\$127,416
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
222-05	Copier/Printer/Fax/Scan Equipment  <u>Awardee</u> Xerox Corporation	\$ 38,760
85060 30198-AA	Elevator Maintenance Services—Extension  <u>Awardee</u> Elcon Enterprises, Inc.	\$450,000
85070 00622-AA	Towing, Transport, and Recovery of Vehicles—Extension  <u>Awardee</u> Automotive Support Services, Inc. *	\$150,000
1127.4	Physical Exams for Bus and Vehicle Drivers—Extension  <u>Awardees</u> (See note) Briggs Chaney Clinic Corporate Occupational Health Solutions, LLC Frederick Primary Care Association Medical Access PC Secure Medical Care Total	\$120,000

4247.1	Previously Owned Copiers Using Lease/Purchase Financing—Extension	
	<u>Awardees</u> (See note)	
	Capitol Document Solutions	
	Copiers Plus, Inc.	
	Greater Philadelphia Equipment Company	
	Ricoh Business Solutions	
	Total	\$450,000
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	310,584
	Century Magnetic, Inc.*	750
	CTL Communications Televideo Ltd.*	21,394
	General Technique Trade Inc., 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.	27,775
	Washington Professional Systems	28,635
	W. B. Hunt Company, Inc.	<u>11,677</u>
	Total	\$570,226
7083.6	Custodial Equipment	
	<u>Awardees</u>	
	Abel Industries, Inc.	\$ 1,569
	Acme Paper & Supply Company, Inc.	48,212
	Best Battery Company, Inc.	23,049
	Laniado Wholesale Manufacturing Products, Inc.*	10,642
	MSC Industrial Supply Company	3,159
	S. Freedman & Sons, Inc.	12,654
	S & E Paper Inc./National Supply Company	<u>58,150</u>
	Total	\$157,435
7109.4	Tire Retread Services—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
9051.6	Athletic, Cheerleader, and Pom Pon Uniform—Extension	
	<u>Awardees</u> (See Note)	
	Cisco, Inc.	
	Maryland's Athletic House	
	Riddell	
	Sports Endeavors, Inc.	
	Varsity Spirit Fashions	
	Total	\$120,000
9106.7	Corrugated Boxes—Extension	
	<u>Awardees</u> (See Note)	
	Cantwell-Cleary Company, Inc.	
	Willard Packaging Company	
	Total	\$ 58,000
9320.2	Library Security System Replacements—Extension**	
	<u>Awardees</u>	
	3M Company	\$ 37,851
	Integrated Technology Group*	<u>12,600</u>
	Total	50,451
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
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$2,848,363

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

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

Note: Contract amounts will be based on individual requirements

**PROVISION FOR FUTURE SUPPORTED  
PROJECTS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, 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. 16-1374, approved May 27, 2010; and

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

WHEREAS, Sufficient appropriation is available, within the Fiscal Year 2011 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 by the Montgomery County Board of Education to receive and expend \$107,468 within the Fiscal Year 2011 Provision for Future Supported Projects, as specified below:

Project	Amount
Malcolm A. Baldrige National Quality Award	\$ 100,000
Maryland School Performance Recognition	7,468
Total	\$ 107,468

and be it further

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

RESOLUTION NO. 236-11

Re: **FISCAL YEAR 2011 THIRD QUARTER  
CATEGORY AND OBJECT TRANSFERS  
REQUEST**

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

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

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

Resolved, That the superintendent of schools be authorized to effect Fiscal Year 2011 categorical transfers of \$1,575,386 in the following categories:

**Individuals with Disabilities Education Act—American Recovery and Reinvestment Act**

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 4,000	
6	Special Education		\$ 14,280
12	Fixed Charges	10,280	
	Total	<u>\$ 14,280</u>	<u>\$ 14,280</u>

**Individuals with Disabilities Education Act—Passthrough, Part B**

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education		\$ 266,464
12	Fixed Charges	\$ 266,464	
	Total	<u>\$ 266,464</u>	<u>\$ 266,464</u>

**Individuals with Disabilities Education Act—Supports for Students with Emotional Disabilities**

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education		\$ 2,660
9	Student Transportation	\$ 1,860	
12	Fixed Charges	800	
	Total	<u>\$ 2,660</u>	<u>\$ 2,660</u>

**Title I—Part A, 2010**

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 1,337	
2	Mid-level Administration		\$ 21,171
3	Instructional Salaries	174,739	
4	Textbooks and Instructional Supplies	11,093	
5	Other Instructional Costs	39,047	
9	Student Transportation	63,398	
12	Fixed Charges		268,443
	Total	<u>\$ 289,614</u>	<u>\$ 289,614</u>

**Title I—Part A, 2011**

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 33	
2	Mid-level Administration	59,610	
3	Instructional Salaries	170,715	
4	Textbooks and Instructional Supplies	89,131	
5	Other Instructional Costs	30,952	
9	Student Transportation	37,840	

12	Fixed Charges		<u>388,281</u>
	Total	<u>\$ 388,281</u>	<u>\$ 388,281</u>

**Title I—Part A, American Recovery and Reinvestment Act**

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration	\$ 12,282	
3	Instructional Salaries		\$ 461,318
4	Textbooks and Instructional Supplies	148,493	
5	Other Instructional Costs	23,099	
9	Student Transportation	2,785	
12	Fixed Charges	<u>274,659</u>	
	Total	<u>\$ 461,318</u>	<u>\$ 461,318</u>

**National Defense Education Program—Project Sea Perch**

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 5,000	
9	Student Transportation		\$ 5,000
	Total	<u>\$ 5,000</u>	<u>\$ 5,000</u>

**Title III—Limited English Proficiency**

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 1,282	
3	Instructional Salaries	20,153	
4	Textbooks and Instructional Supplies		\$ 142,544
5	Other Instructional Costs	122,639	
9	Student Transportation		<u>1,530</u>
	Total	<u>\$ 144,074</u>	<u>\$ 144,074</u>

**Judith B. Hoyer (Judy) Center—Gaithersburg**

	<u>Category</u>	<u>From</u>	<u>To</u>
10	Operation of Plant and Equipment	\$ 3,695	
11	Maintenance of Plant		\$ 3,695
	Total	<u>\$ 3,695</u>	<u>\$ 3,695</u>

and be it further

Resolved, That the superintendent of schools be authorized to effect Fiscal Year 2011 object transfers of \$2,280,244 in the following projects:

**Individuals with Disabilities Education Act— American Recovery and Reinvestment Act**

<u>Object</u>	<u>From</u>	<u>To</u>
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01	Salaries and Wages	\$ 169,818	
03	Supplies and Materials		\$ 1,155,014
05	Equipment	<u>985,196</u>	
	Total	<u>\$ 1,155,014</u>	<u>\$ 1,155,014</u>

**Individuals with Disabilities Education Act—Passthrough, Part B**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages		\$ 200,524
03	Supplies and Materials		140,878
04	Other	\$ 366,464	
05	Equipment		<u>25,062</u>
	Total	<u>\$ 366,464</u>	<u>\$ 366,464</u>

**Title I—Part A, 2010**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$ 154,905	
04	Other		<u>\$ 154,905</u>
	Total	<u>\$ 154,905</u>	<u>\$ 154,905</u>

**Title I—Part A, 2011**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$ 230,358	
04	Other		<u>\$ 230,358</u>
	Total	<u>\$ 230,358</u>	<u>\$ 230,358</u>

**Title I—Part A, American Recovery and Reinvestment Act**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages		\$ 142,566
04	Other	<u>\$ 142,566</u>	
	Total	<u>\$ 142,566</u>	<u>\$ 142,566</u>

**Title III – Limited English Proficiency Program**

	<u>Object</u>	<u>From</u>	<u>To</u>
03	Supplies and Materials		\$ 106,072
04	Other	<u>106,072</u>	
	Total	<u>\$ 106,072</u>	<u>\$ 106,072</u>

**Entrepreneurial Activities Fund**

	<u>Object</u>	<u>From</u>	<u>To</u>
02	Contractual Services		\$ 124,865
03	Supplies and Materials	<u>\$ 124,865</u>	

Total \$ 124,865 \$ 124,865

and be it further

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

RESOLUTION NO. 237-11      Re:    **APPOINTMENT OF MONTGOMERY  
COUNTY PUBLIC SCHOOLS EMPLOYEES'  
RETIREMENT AND PENSION SYSTEM AND  
OPEB PLAN TRUST INVESTMENT  
TRUSTEES**

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

WHEREAS, The Board of Education, by Resolution No. 344-95, authorized the establishment of a trust to be used for the purpose of funding the Montgomery County Public Schools Employees' Retirement and Pension System benefits; and

WHEREAS, The Board of Education, by Resolution No. 133-07, authorized the establishment of a trust to be used for the purpose of funding the Montgomery County Public Schools Other Post-Employment Benefits; and

WHEREAS, The trustees are a committee comprising the following Montgomery County Public Schools employees: the chief operating officer; the chief financial officer; the director of management, budget, and planning; the controller; and up to but not more than five additional members to be appointed by the Board of Education; and

WHEREAS, On May 13, 2008, the Board of Education reappointed Mr. Lamont E. Tarbox and Dr. Kenneth K. Muir to the Board of Investment Trustees for the Montgomery County Public Schools Employees' Retirement and Pension System and Other Post-Employment Benefits Plan Trust for a three-year term ending June 30, 2011; and

WHEREAS, Mr. Tarbox and Dr. Muir have been active and valued members of the Board of Investment Trustees since July 2002; and

WHEREAS, Mr. Tarbox and Dr. Muir have expressed a willingness to continue as trustees to the Board of Investment Trustees for an additional three-year term; now therefore be it

Resolved, That Mr. Lamont E. Tarbox and Dr. Kenneth K. Muir are reappointed as trustees to the Board of Investment Trustees for the Montgomery County Public Schools Employees' Retirement and Pension System and Other Post-Employment Benefits Plan Trust for a three-year term ending June 30, 2014.

RESOLUTION NO. 238-11      Re:    **HUMAN RESOURCES AND DEVELOPMENT  
MONTHLY REPORT**

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

WHEREAS, The educators and others who are employed by Montgomery County Public Schools are key partners in the important work and achievements of the school system; now therefore be it

Resolved, That the Board of Education approves the monthly Human Resources and Development Report with its listings identifying new employees, employee resignations, and other employee status updates; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Bowers reported that this financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of March 31, 2011, and projections through June 30, 2011, based on program requirements and estimates made by primary and secondary account managers. At this time, revenue has a projected deficit of \$300,000, while expenditures have a projected surplus of \$17,000,000. Staff in the MCPS Department of Management, Budget, and Planning will continue to closely monitor both revenues and expenditures.

\*\* Mr. Durso temporarily left the meeting.

RESOLUTION NO. 239-11

Re: **TENTATIVE ACTION: POLICY ACG:  
ACCESS TO SERVICES, PROGRAMS, AND  
ACTIVITIES BY INDIVIDUALS WITH  
DISABILITIES**

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

WHEREAS, Policy ACG, *Access to Services, Programs, and Activities by Individuals with Disabilities*, provides a clear and comprehensive mandate for the prohibition and elimination of any unlawful discrimination against individuals with disabilities and affirms a strong commitment to the goals of the ADA as well as other applicable laws as they relate to employees, job applicants, and access to the school system's services by members of the public with disabilities; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to update Policy ACG, *Access to Services, Programs, and Activities by Individuals with Disabilities*; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered

that Policy GBH, *Employment of Individuals with Disabilities*, could be rescinded given that relevant portions of that policy have been incorporated into the updated draft of Policy ACG, *Access to Services, Programs, and Activities by Individuals with Disabilities*; and

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

Resolved, That the Montgomery County Board of Education take tentative action on Policy ACG, *Access to Services, Programs, and Activities by Individuals with Disabilities*; and be it further

Resolved, That Policy ACG, *Access to Services, Programs, and Activities by Individuals with Disabilities*, be sent out for public comment with a notice that the Board of Education will consider rescinding Policy GBH, *Employment of Individuals with Disabilities*, after incorporating relevant portions of that policy into Policy ACG.

## **POLICY ACG, ACCESS TO EMPLOYMENT, SERVICES, PROGRAMS, AND ACTIVITIES BY INDIVIDUALS WITH DISABILITIES**

### **A. PURPOSE**

1. To provide a clear and comprehensive mandate for the prohibition and elimination of any unlawful discrimination against individuals with disabilities.
2. To affirm a strong commitment to the goals of the *Americans with Disabilities Act Amendments Act of 2008 (ADAAA)*, as well as other applicable laws as they relate to employees, job applicants, and access to the school system's services by members of the public with disabilities. This policy is to be construed to comport with the ADAAA and its implementing regulations.
3. To affirm to the citizens of the county, to staff of MCPS, and to students that Montgomery County Public Schools is committed to the participation of such individuals in the life and work of the schools in accordance with applicable laws.
4. To affirm that present policies and regulations will be administered to ensure that the rights of individuals with disabilities will be upheld in MCPS, consistent with the long-standing interest on the part of the Board of Education and MCPS in prohibiting discrimination against and in promoting affirmative action in employment and reassignment for individuals with disabilities.
5. To affirm that MCPS will not discriminate on the basis of disability against any qualified individual with a disability with respect to participating in or benefiting from MCPS services.
6. To declare that MCPS will not deny, on the basis of disability, a qualified individual with a disability the opportunity to participate as a member of planning

or advisory boards or committees.

## B ISSUE

The ADAAA is a comprehensive civil rights statute, which provides protection to qualified individuals with disabilities in the areas of employment, state and local government services, and telecommunications. By issuing a companion ADAAA policy, the Montgomery County Board of Education (Board) seeks to reaffirm its commitment to nondiscrimination in all areas for individuals with disabilities.

## C POSITION

1. Montgomery County Public Schools (MCPS) will not discriminate on the basis of disability against any qualified individual with a disability with respect to participating in or benefiting from MCPS services; job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training and other terms, conditions, and privileges of employment.
2. MCPS will provide reasonable accommodations or modifications as required for participation in services, the job application process, employment, continued employment, or reassignment of qualified individuals with disabilities.
3. In accordance with requirements of ADAAA, reasonable accommodations or modifications will be provided unless such accommodations or modifications would impose undue hardship on the school system; fundamentally alter the nature of the service, program or activity; or present a direct threat to the individual or others.

## D DESIRED OUTCOMES

1. All qualified individuals with disabilities will be able to access MCPS services, programs, and activities and be provided reasonable accommodations or modifications to ensure participation, so long as the accommodations or modifications do not present an undue hardship or a fundamental alteration of the service, program or activity, or present a direct threat to the individual or others.
2. All qualified job applicants, including individuals with disabilities who are seeking employment with MCPS, will have equal employment opportunities.
3. Individuals with disabilities who are job applicants or employees, if requested, may receive reasonable accommodations.

## E. IMPLEMENTATION STRATEGIES

1. Procedures for implementing this policy will be set forth in administrative

regulations as needed.

2. The human resource compliance coordinator designated by the superintendent will be responsible for coordinating the efforts of MCPS to comply with and carry out its responsibilities under the ADAAA, including participating in investigation of any complaint, and will be available to provide guidance and support in matters related to the rights of individuals with disabilities.
3. Complaint procedures for prompt and equitable resolution of ADAAA complaints will be described in administrative regulations. MCPS will not discriminate or retaliate against an individual for filing a charge or participating in an investigation or proceeding under the ADAAA.

#### F. REVIEW AND REPORTING

A report regarding the status of MCPS ADAAA claims will be prepared quarterly for Board review.

\*\* Mr. Durso returned to the meeting.

#### Re: **NON-SUBSTANTIVE CHANGES TO THREE POLICIES**

On recommendation of the Policy Committee, the following policies were presented as information items:

### **POLICY IQD, ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES**

#### A. PURPOSE

To articulate the Board of Education's (Board) commitment to providing an array of extracurricular opportunities for students. Having a variety of extracurricular options including, but not limited to, cultural arts, athletics, and other team activities is an essential part of a complete educational experience. The Board supports having both extracurricular activities requiring academic eligibility and extracurricular activities predicated upon open enrollment.

#### B. ISSUE

Academic eligibility standards for middle and high school participation in extracurricular activities listed as stipend-compensated activities in the negotiated *Agreement Between Montgomery County Education Association and the Montgomery County Board of Education* (hereafter referred to as the Agreement) must be established and communicated. Extracurricular activities are a valuable part of the entire education of each student. However, participation in extracurricular

activities should be maintained and supported by academic standards. It is the obligation of the school system to make supports for maintaining academic performance and academic eligibility available to students.

#### C. POSITION

Decisions regarding a student's academic eligibility for participation in extracurricular activities will be made as follows. Students in middle and high schools must maintain a 2.0 average with no more than one failing grade in the previous marking period to be eligible to participate in any activity listed as a stipend-compensated activity in the Agreement. This does not apply to students in the fall entering middle or high school for the first time or to students engaged in activities that are extensions of a graded course.

Students in middle school who are not academically eligible may petition to be reinstated in an activity if they have shown evidence of progress toward meeting eligibility standards. Middle school principals will make final decisions regarding these petitions.

#### D. DESIRED OUTCOMES

Each student should maintain high academic standards while also pursuing extracurricular activities that contribute to a well-rounded education.

#### E. IMPLEMENTATION STRATEGIES

1. All middle and high schools should provide and communicate opportunities for all students to participate in extracurricular activities by ensuring that there are a range of possibilities, including extracurricular activities with open enrollment that do not require academic eligibility.
2. Schools should help students retain or regain eligibility for all extracurricular activities requiring academic eligibility by providing and referring students to such support activities as contracts, tutoring programs, mentoring and monitoring programs, academic support classes and counseling, study halls during or after school, outreach programs, and/or other programs.
3. Schools should share best practices that increase student academic eligibility for extracurricular activities.
4. Schools should develop mechanisms to evaluate the effectiveness of support programs.
5. The superintendent will publish regulations to implement this policy as needed.

**F. REVIEW AND REPORTING**

1. The superintendent will report annually to the Board on high school academic ineligibility rates disaggregated by grade level, race/ethnicity, gender, and receipt of special services in the Annual Report.
2. This policy will be reviewed in accordance with the Board of Education review process.

**POLICY JED, RESIDENCY, TUITION, AND ENROLLMENT****A. PURPOSE**

The Board of Education (Board) is committed to an effective, efficient, and equitable enrollment process for all eligible Montgomery County school-aged children.

**B. ISSUE**

All qualified school-aged individuals (5 years old or older and under 21), whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County are to be admitted free to the Montgomery County Public Schools (MCPS). There are circumstances that exist where students who are not residents of Montgomery County want or need to attend schools here; therefore, issues of residency and the processes for paying tuition must be clearly articulated.

**C. POSITION**

The Board supports the right of its residents to a free public education.

1. Bona fide residence is one's principal residence, maintained in good faith, and does not include a residence established for convenience or for the purpose of free school attendance in MCPS. However, intent to reside indefinitely or permanently at the present place of residence is not necessarily required. Determination of a person's bona fide residence is a factual one and must be made on an individual basis.
2. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County will be considered resident students and will be admitted free to MCPS.
3. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who do not have an established bona fide residence in Montgomery County, will be considered nonresident students and will be subject to paying tuition unless an exception is made under the terms of this policy.

- a) Nonresident students may be denied admission to MCPS regardless of their willingness to pay tuition.
- b) A nonresident student applicant with the exception of foreign students, including exchange (J-1) and non-immigrant students (F-1), may request a specific school; however, MCPS reserves the right to determine the school of enrollment.
- c) A qualified student placed in a group home or foster home located in Montgomery County by an out-of-state agency other than those specified in Section 4-122.1 of the Education Article, *Annotated Code of Maryland*, shall be presumed to be a nonresident student.
- d) In the absence of evidence to the contrary, a qualified student who is a resident of another educational jurisdiction, but who elects to seek enrollment in a Montgomery County public school shall be presumed to be a nonresident student.
- e) In the absence of evidence to the contrary, the bona fide residence of a qualified student who is under 18 years of age and not emancipated shall be presumed to be the bona fide residence of both or one of the child's parents. Throughout this policy and any implementing regulations, if the parents live apart, use of the word "parent" shall mean (1) the parent to whom legal custody is awarded or (2) if legal custody is not awarded, the parent with whom the child regularly resides; and the child's bona fide residence shall be determined accordingly.
- f) In the absence of evidence to the contrary, a qualified student residing with a court-appointed guardian who has an established bona fide residence in Montgomery County shall be presumed to be a resident student provided that the guardianship was obtained for reasons concerning the child and not for the primary purpose of attending school or for the convenience of the persons involved.
- g) Qualified identified Montgomery County students who are homeless shall be enrolled in accordance with MCPS Regulation JEA-RD, *Enrollment of Homeless Student*.
- h) A qualified student placed in a group home or foster home in Montgomery County by social service agencies of the state of Maryland, or any other agency specified in Section 4-122.1 of the Education Article of the *Annotated Code of Maryland* shall be presumed to be a nonresident student for whom MCPS is eligible for reimbursement of actual educational expenses by another local educational agency or the state of Maryland.

- i) A qualified student who is a resident of Maryland residing in a valid kinship care arrangement pursuant to Section 4-122.1 of the Education Article of the *Annotated Code of Maryland* will be presumed to be a nonresident student for whom MCPS is eligible for reimbursement of actual educational expenses by another local education agency or the State of Maryland.
4. The Residency and International Admissions (RIA) Unit will make individual determinations of residency. Individual determinations of residency by RIA will be reevaluated annually, if needed. RIA will make determinations in the following cases:
- a) There is evidence rebutting the presumption of residency or nonresidency set forth in Section 3b) When there is a qualified student who is 18 years of age or older and essentially self-supporting or an emancipated minor who may or may not have established a bona fide residence in Montgomery County without regard to the residency of the parents
  - c) When there is a qualified student under 18 years of age who is living in Montgomery County with friends or relatives who are not parents or court-appointed guardians

In addition to individual verification, MCPS reserves the right to initiate specific grade-level or schoolwide residency verification activities. The burden of producing evidence establishing bona fide residence is on the student, parent/guardian or individual acting on behalf of the student.

5. Tuition
- a) Tuition rates will be established annually by the Board upon the recommendation of the superintendent of schools.
  - b) Exceptions to tuition requirements
    - (1) The exchange student (J-1) is residing in Montgomery County with a host family for a maximum of one year and has met the criteria established and detailed in MCPS Regulation JEA-RC, *Enrollment and Placement of International and Foreign Students*, including the approval by the director of RIA.
    - (2) There is a crisis, unusual and extraordinary circumstances fully documented by the parent, guardian, or emancipated student, justifying waiver of tuition.

- (3) The Appeals/Transfer Team Office has permitted a deposit to be made during the pendency of an appeal of a determination of nonresidency.

6. Responsibilities

- a) Parents, guardians, or students who have reached the age of majority are responsible for signing an affidavit as to their bona fide residence or nonresidence in Montgomery County as a prerequisite to a student's initial enrollment in MCPS. Additionally, there is an acknowledgment that tuition will be paid for any period(s) of nonresidency, even if the period(s) of nonresidency should occur or be identified after the date of initial enrollment.
- b) The school principal or designee (or RIA for noncitizens who have not attended school within the United States at any time during the prior two years) is responsible for making the initial determination of the residency status of students who seek enrollment in MCPS and, based on that determination, for taking the appropriate administrative steps specified in MCPS regulations.
- c) RIA is responsible for determining the residency and tuition status of all students referred by the individual schools.

7. Appeals

Decisions made under this policy and any implementing regulations may be appealed under the provisions of Regulation KLA-RA: *Responding to Citizen Inquiries and Complaints From the Public*. The superintendent or a designee may assign a hearing officer to hear residency and tuition appeal cases on the superintendent's behalf and make recommendations to the superintendent or designee.

D. DESIRED OUTCOME

An effective, efficient, and equitable enrollment process which recognizes the right of eligible students to a free public education, ensures payment of tuition in appropriate cases, and minimizes barriers for enrollment.

E. REVIEW AND REPORTING

1. The superintendent will annually request approval from the Board for nonresident tuition rates and provide data on nonresident students paying tuition, as well as those requesting and receiving waivers.

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

## **POLICY GIJ (DIG), 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. 240-11

Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, 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 23, 2011, 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* and Section 4-107(d) of the *Education Article*; review and adjudicate appeals in its quasi-judicial capacity; consult with counsel to obtain legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*; and discuss matters of an administrative function outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*); and be it further

Resolved, That such meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 241-11                      Re:    **REPORT OF CLOSED SESSION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, the following report was adopted unanimously by members present:

On April 25, 2011, the Board of Education voted unanimously to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* Section 10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on April 25, 2011, from 6:30 to 7:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and discussed personnel matters and received legal advice on those matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*.

In attendance at the closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Pat Clancy, Judy Docca, Michael Durso, Ikhide Roland Ikheloa, Phil Kauffman, Suzann King, Patricia O'Neill, and Alan Xie.

On April 28, 2011, the Board of Education voted unanimously to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* Section 10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on April 28, 2011, from 5:09 to 6:25 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and:

1. Discussed personnel matters and received legal advice on those matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*.
2. Received legal advice and considered Appeals T-2011-1, T-2011-2, T-2011-3, T-2011-4, 2011-6, and 2011-7 as permitted under Section 10-508(a)(7) of the *State Government Article* with a subsequent vote in open session in its quasi-judicial

capacity outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).

3. Discussed matters of an administrative function relating to the acquisition of real property for a public purpose and matters related thereto which are outside the purview of the *Open Meetings Act* (Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*).

In attendance at the 5:09 p.m. closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Alan Xie, Ikhide Roland Ikheloa, Suzann King, and Pat Clancy. At 5:34 p.m., Glenda Rose joined the meeting. At 5:52 p.m., Mr. Clancy left the meeting and the following staff joined the meeting: Larry Bowers, Sean Bulson, Carole Goodman, Ursula Herrmann, Don Kress, Frieda Lacey, Sherry Liebes, Brian Edwards, Bronda Mills, Chris Richardson, Frank Stetson, Adrian Talley, and Dana Tofig.

RESOLUTION NO. 242-11      Re:    **MINUTES**

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

Resolved, That the Board of Education approve its minutes from March 28, 2011.

RESOLUTION NO. 243-11      Re:    **APPEAL**

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

WHEREAS, The Board of Education has met in closed session and deliberated on an appeal 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 appeal reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
2011-9	Teacher Suspension	Affirmed

Re    **COMMITTEE UPDATES (IF NEEDED)**

There were no updates.

Re:    **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 12:45 to 2:20 p.m.

RESOLUTION NO. 244-11 Re: **ADJOURNMENT (Open Session)**

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

Resolved, That the Board of Education adjourn its meeting of May 10, 2011, at 2:20 p.m.

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 PRESIDENT

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 SECRETARY

JDW:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Kauffman	O'Neill	Xie
Appointment of Superintendent	A	A	A	A	A	A	A	AB
Policy ACG	A	A	A	A	AB	AB	A	AB

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

**MONTGOMERY COUNTY BOARD OF EDUCATION**  
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