

APPROVED
31-2003

Rockville, Maryland
September 23, 2003

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on September 23, 2003, at 6:50 p.m.

ROLL CALL Present: Mrs. Patricia B. O'Neill, President
 in the Chair
 Mr. Kermit V. Burnett
 Ms. Sharon Cox
 Mr. Reginald M. Felton
 Dr. Charles Haughey
 Mr. Walter Lange
 Mr. Gabe Romero
 Mr. Sagar Sanghvi, Student Board Member
 Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 470-03 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Ms. Cox, the following resolution was adopted unanimously:

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on September 23, 2003, in Room 120 from 6:00 to 6:45 p.m. to discuss the Human Resources appointments, 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 session on September 23, 2003, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

RESOLUTION NO. 471-03 Re: **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for September 23, 2003.

RESOLUTION NO. 472-03 Re: **WALK TO SCHOOL DAY**

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

WHEREAS, In 1997, the first national "Walk to School Day" was sponsored in Chicago and, in 2000, the first international "Walk to School Day" was celebrated; and

WHEREAS, East Silver Spring Elementary School was the first MCPS school to sponsor a local "Walk to School Day"; and

WHEREAS, An estimated 25,000 children are injured as pedestrians by motor vehicles each year; and

WHEREAS, Hundreds of children could be saved from injury and death each year if every community took steps to make pedestrian safety a priority, to teach children about pedestrian safety, and to become aware of the difficulties and dangers that children face on their trip to school or the bus stop each day; and

WHEREAS, Obesity rates among children have more than doubled in the past twenty years, according to the National Longitudinal Study of Youth; and

WHEREAS, Parents and community leaders again are joining together nationwide to walk children to school or to the bus stop to promote pedestrian safety in their community and, also, to promote physical fitness; now therefore be it

Resolved, That the Board of Education proclaim October 8, 2003, "Walk to School Day"; and be it further

Resolved, That the superintendent of schools notify the community and school population of "Walk to School Day," publicize this resolution and the school system's participation through a press release and an article in the *Bulletin*, and encourage everyone to consider the safety of pedestrians – and, in particular, student walkers – every day.

RESOLUTION NO. 473-03

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

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously:#

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

Resolved, That the following contract be awarded as shown below:

| | |
|---------------------------|-----------|
| Carrier Electronics, Inc. | \$192,000 |
|---------------------------|-----------|

RESOLUTION NO. 474-03

Re: **AWARD OF CONTRACT – FOOD SERVICES WAREHOUSE REROOFING**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously:#

WHEREAS, The following sealed bids were received on September 4, 2003, for the reroofing of the Food Services warehouse, with work to be completed by November 15, 2003:

| <u>Bidder</u> | <u>Amount</u> |
|---------------------------------|---------------|
| Orndorff & Spaid, Inc. | \$ 77,833 |
| R. D. Bean, Inc. | 81,560 |
| Interstate Corporation | 84,000 |
| J. E. Wood & Sons Company, Inc. | 101,206 |
| Built-Up Roofing Systems | 158,760 |

and

WHEREAS, There is limited opportunity for minority vendor participation because of the work scope involved in roofing projects, and staff recommends waiving the Minority Business Enterprise goal for this project; and

WHEREAS, The low bidder, Orndorff & Spaid, Inc., has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$85,000; now therefore be it

Resolved, That a \$77,833 contract be awarded to Orndorff & Spaid, Inc., for the reroofing of the Food Services warehouse.

RESOLUTION NO. 475-03

Re: **PARTIAL CAPITALIZATION OF SELECTED
CAPITAL PROJECTS**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, 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, 2003; and

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

Resolved, That the following projects be partially capitalized in FY 2004:

| <u>No.</u> | <u>Project</u> | (Amts. in Thousands) <u>Partial Project Capitalization of Expended Funds</u> |
|------------|--|---|
| 9963 | Americans with Disabilities Act (ADA) Compliance | \$ 945 |
| 9928 | Asbestos Abatement | 979 |
| 9921 | Current Modernizations | 49,941 |
| 9902 | Design and Construction Management | 3,278 |
| 9903 | Educational Technology—Global Access | 6,379 |
| 9959 | Energy Conservation | 181 |
| 9926 | Facility Planning | 670 |
| 9905 | Fire Safety Code Upgrades | 1,795 |
| 9918 | Fuel Tank Management | 197 |
| 9916 | Heating, Ventilation, and Air-Conditioning (HVAC) Replacement | 998 |
| 9932 | Improved Access to Schools | 1,376 |
| 9950 | Indoor Air Quality Improvements | 455 |
| 9915 | Planned Life-cycle Asset Replacement (PLAR) | 2,460 |
| 9968 | Relocatable Classrooms | 5,852 |
| 9942 | Roof Replacement | 2,089 |

| | | |
|------|------------------|----|
| 9920 | School Security | 72 |
| 9919 | Stadium Lighting | 98 |

RESOLUTION NO. 476-03 Re: **REDUCTION OF RETENTION – GREENWOOD
ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously:#

WHEREAS, Dynasty Construction, Inc., general contractor for the Greenwood Elementary School addition project, has completed 94 percent of all specified requirements as of August 30, 2003, and requested that the 10-percent retainage, which is based on completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Great American Insurance Company, has consented to this reduction; and

WHEREAS, The project architect, McDonald•Williams•Banks Architects and Planners, recommends approval of the reduction; now therefore be it

Resolved, That the 10-percent retainage withheld from periodic payments to Dynasty Construction, Inc., general contractor for the Greenwood Elementary School addition project, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 477-03 Re: **ARCHITECTURAL APPOINTMENT –
EINSTEIN/KENNEDY ELEMENTARY SCHOOL #6**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the reopening of Einstein/Kennedy Elementary School #6 (Arcola Elementary School) that includes a 76,000-square-foot building on a five-acre site; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$11,500,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2004 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by

the Board of Education on July 14, 1998, selected The Lukmire Partnership, Inc., to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for architectural services that includes two consultants who are Maryland Department of Transportation (MDOT)-certified minority firms; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of The Lukmire Partnership, Inc., to provide professional architectural and engineering services for the reopening of Einstein/Kennedy Elementary School #6 (Arcola Elementary School) for a fee of \$787,500.

RESOLUTION NO. 478-03 Re: **UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously:#

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 14-1270, approved May 23, 2002; and

WHEREAS, The programs do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2004 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2004 Provision for Future Supported Projects, as specified below:

| <u>Projects</u> | <u>Amount</u> |
|--|-------------------|
| Alcohol and Drug Prevention Program | \$ 80,000 |
| Judith Hoyer Early Childcare and Education | |
| Judy Center of Silver Spring | 202,988 |
| Judy Center of Gaithersburg | 322,000 |
| Program for Neglected or Delinquent Children | 109,133 |
| Emotionally Disabled Cluster Program | <u>65,000</u> |
| Total | <u>\$ 779,121</u> |

and be it further

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

Council.

RESOLUTION NO. 479-03 Re: HUMAN RESOURCES APPOINTMENT

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective September 23, 2003:

| <u>Appointment</u> | <u>Current Position</u> | <u>As</u> |
|--------------------|---|---|
| Gwendolyn Mason | Acting Director, Division of Programs and Services | Director, Division of School-Based Education Services |

RESOLUTION NO. 480-03 Re: HUMAN RESOURCES APPOINTMENT

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective September 23, 2003:

| <u>Appointment</u> | <u>Current Position</u> | <u>As</u> |
|------------------------|--|--|
| Vickie Strange-Moscoco | Acting Assistant to the Director of Special Education | Director, Division of Pre- School Special Education Special Schools, and Services Related |

RESOLUTION NO. 481-03 Re: HUMAN RESOURCES APPOINTMENT

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective September 23, 2003:

| <u>Appointment</u> | <u>Current Position</u> | <u>As</u> |
|--------------------|--|---|
| Judith Pattik | Instruction Facilitator, Howard County Public Schools | Administrative Assistant to Associate Superintendent, Office of Student and Community Services |

RESOLUTION NO. 482-03 Re: CLOSED SESSION RESOLUTION

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously:

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Tuesday, September 9, 2003, in Room 120 of the Carver Educational Services Center to meet from 8:30 a.m. to 10:00 a.m. and from 12:30 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

RESOLUTION NO. 483-03 Re: REPORT OF CLOSED SESSION

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Felton, the following resolution was adopted unanimously:

On September 9, 2003, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on September 9, 2003, from 9:10 to 10:00 a.m. and 1:30 to 2:25 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Adjudicated the following appeals: 2003-38, 2003-42, and 2003-43.
2. Reviewed the Superintendent's recommendation for Human Resources Appointments and Human Resources Monthly Report, subsequent to which the votes to approve were taken in open session.
3. Considered the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*.
4. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.

5. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Elizabeth Arons, Larry Bowers, Kermit Burnett, Sharon Cox, Reggie Felton, Charles Haughey, Richard Hawes, Roland Ikheloa, Don Kress, Frieda Lacey, Joe Lavorgna, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Sagar Sanghvi, Greg Thornton, Roger Titus, and Jerry Weast.

RESOLUTION NO. 484-03 Re: **APPEAL 2002-38**

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-38, student discipline, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 485-03 Re: **APPEAL 2002-41**

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-41, student expulsion, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Sanghvi voting to reverse.

RESOLUTION NO. 486-03 Re: **APPEAL 2002-42**

On motion of Ms. Cox and seconded by Dr. Haughey, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-42, student expulsion, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Sanghvi recused himself.

RESOLUTION NO. 487-03 Re: **APPEAL 2002-43**

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-43, admission to highly gifted center, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 488-03 Re: **APPEAL T-2002-47**

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-47, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to dismiss.

RESOLUTION NO. 489-03 Re: **APPEAL T-2002-48**

On motion of Ms. Cox and seconded by Mr. Felton, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-48, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 490-03 Re: **APPEAL T-2002-49**

On motion of Ms. Cox and seconded by Mr. Romero, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-49, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Sanghvi voting to reverse.

RESOLUTION NO. 491-03 Re: **ADMINISTRATION OF MARYLAND SCHOOL ASSESSMENT**

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

WHEREAS, The Maryland School Assessment (MSA) is to be administered during the period of February 25, 2004-March 5, 2004, to students in grades 3 to 8 in reading and mathematics and to students in grade 10 in reading; and

WHEREAS, The MSA represents high-stakes testing to comply with the requirements of the No Child Left Behind Act for school districts to demonstrate Adequate Yearly Progress; and

WHEREAS, Under the best of circumstances, the administration of these proficiency tests in late February and early March leaves a limited amount of time for principals and teachers to prepare students to complete the MSA successfully; and

WHEREAS, The critical loss of instructional days caused by Hurricane Isabel, which necessitated a state of emergency to be declared for the State of Maryland, further

impedes the good-faith efforts of local school districts to achieve proficiency; now therefore be it

Resolved, That the Montgomery County Board of Education request the Maryland Association of Boards of Education, convening next week for its annual meeting, to adopt a resolution requesting the state superintendent and state board of education to postpone this year's administration of the MSA to a later date, to be determined after consultation with local boards and local superintendents, and to consider a later date for administration of the MSA in future years.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented on the power outage during Hurricane Isabel. It was very frustrating for employees, parents, and students. Since the start of school, there have been closures due to storm-related damage and electrical problems.

Dr. Weast reported that 145 students from MCPS have been named semifinalists in the 2004 National Merit Scholarship competition, an increase of 27 semifinalists over the previous year. The local students represent 44 percent of the 329 semifinalists in Maryland. They will compete with about 16,000 students nationally for some 8,000 Merit Scholarships to be announced next spring.

Ms. Cox reported that she attended the First Annual Congressional Conference on Civic Education. The highlight was a performance of former eighth graders from Robert Frost Middle School who gave a presentation on a mock congressional hearing on the role and responsibilities of citizenship.

Mr. Lange commented that he attended with other Board members the Olde Towne Days in Gaithersburg where they witnessed the swearing in of 49 new citizens.

RESOLUTION NO. 492-03 Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education adjourn its meeting of September 23, 2003, at 7:20 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

September 23, 2003

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