

APPROVED
22-2005

Rockville, Maryland
July 27, 2005

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, July 27, 2005, at 7:30 p.m.

Present: Mrs. Patricia B. O'Neill, President
in the Chair
Mr. Steve Abrams
Ms. Sharon W. Cox
Ms. Valerie Ervin
Dr. Charles Haughey
Mrs. Nancy Navarro
Mr. Gabriel Romero
Dr. Jerry Weast, Secretary/Treasurer

Absent: Mr. Sebastian Johnson, Student Board Member

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

RESOLUTION NO. 381-05 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Romero, 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 July 27, 2005, in Room 120 from 6:00 to 7:30 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 receive legal advice as permitted under Section 10-508(a)(7) 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 July 27, 2005, 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 this portion of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 382-05 Re: AN AMENDMENT TO THE AGENDA

On motion of Ms. Cox and seconded by Mr. Abrams, the following motion was adopted unanimously by members present:

Resolved, That the Board of Education amend its agenda to move Items 8.0 (Final Action – Policy BFA – *Policysetting*) and 9.0 (Final Action to Reconstitute the Citizens Advisory Committee on Family Life and Human Development) forward and consider them after Superintendent/Board Comments.

RESOLUTION NO. 383-05 Re: APPROVAL OF THE AGENDA

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

Resolved, That the Board of Education approve its agenda for July 27, 2005, as amended.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Henrietta Brown	Health Education
2.	David Fishback	Health Education Curriculum
3.	Sue Comstock	Health Education
4.	Spencer Irvine	Sex Education Curriculum
5.	Joyce Pratt	Sex Education Curriculum
6.	Steina Walter	MCPS Website
7.	Samara Mendoza	Sex Education Curriculum
8.	Ben Patton	New Citizens Advisory Committee
9.	Paula Bienenfeld	Health and Sex Education
10.	Virginia Wills	Traditional Family
11.	Lisa Janes	Health Curriculum
12.	Ruth Jacobs	Revised Curriculum
13.	Barbara Laumann	Health Curriculum
14.	Peter Sprigg	Health Education
15.	Barbara Whittle	Health Curriculum

Re: BOARD/SUPERINTENDENT COMMENTS

Dr. Weast commented that students participating in the Extended Learning Opportunities (ELO) program this summer and their families are receiving Learning Tool Kits (kindergarten)

and books (Grades 1-5) donated by the Montgomery County Public Schools Retirees Association (MCPSRA). The materials are designed to help extend the learning experiences of the summer program into the home environment.

Ms. Ervin read a statement acknowledging the work of Board members and staff at the recent Harvard Leadership Institute. A discussion at the institute focused on ending institutional racism.

Ms. Cox commented on the Harvard Leadership Institute. Last year, the participants brought back a number of case studies addressing cultural change. This year the institute built on that foundation and looked at expectations and practices. She believed that all staff members are committed to making changes across the system to enable all children to achieve.

Mrs. O'Neill commented on the advocates for the Family Life and Human Development curriculum development, and she hoped that they would continue by seeking resources for additional teachers.

Re: **FINAL ACTION – POLICY BFA – *POLICYSETTING***

The Policy Committee placed the following resolution on the table:

WHEREAS, Policy BFA, *Policysetting*, articulates the Board of Education's definition of "policy"; and

WHEREAS PolicyBFA, *Policysetting*, articulates the Board of Education's vision of a policy-setting process; and

WHEREAS, the draft of BFA, *Policysetting*, tentatively was adopted by the Board of Education on March 21, 2005, and sent out for public comment; and

WHEREAS, the Board of Education has considered comments and recommendations; now therefore be it

Resolved, That the Board of Education adopt Policy BFA, *Policysetting* as revised.

Policysetting

A. PURPOSE

To establish a definition of policy and consistent process for policy development and

implementation of formal policies identifying principles to set forth the vision and goals of the school system, specify the rights and responsibilities of the school community, and guide the development and implementation of educational programs and/or for management of the school system

B. ISSUE

State law provides that the county Board of Education, with the advice of the superintendent, determines the educational policies of the school system. In fulfilling this role, the Board of Education, among other actions, establishes formal policies to identify certain principles. Therefore, there should be a comprehensive and consistent process for policy analysis, formulation, implementation, monitoring, and evaluation.

C. POSITION

1. Definition

Policy is defined as the principles specifically set forth in the MCPS *Policies and Regulations Handbook* and identified as a “policy.” These policies, all of which have a three-letter identifier and are indexed in lettered sections of the MCPS *Policies and Regulations Handbook*, are adopted by resolution of the Board of Education to set forth the vision and goals of the school system, specify the rights and responsibilities of the school community, and guide the development and implementation of educational programs and/or for management of the school system. For purposes of Policy BFA, *Policysetting*, and Regulation BFA-RA, *Policysetting*, the term “policy” refers to only those principles identified as policy in the *Policies and Regulations Handbook*.

2. Policy development

- a) There shall be a Policy Committee of the Board of Education, consisting of not less than three members with staggered three-year terms with one members and the chair chosen annually at the Board’s December meeting. The Board may appoint the student Board member to serve as a fourth full member of the committee. The committee reviews and presents policy drafts to the full Board for adoption.
- b) The superintendent, Board of Education, and/or Board Policy Committee recognizes the need for a policy, or significant revisions to an existing policy, and how the need relates to Board governance including its mission, goals, and objectives.

- c) The committee, the superintendent or the superintendent's designee, appropriate staff, and, where deemed appropriate, a workgroup of relevant stakeholders meet to develop a draft policy. The draft policy shall take into account as appropriate:
 - (1) Other policies of the Board of Education and of other governmental agencies
 - (2) Federal, state, and local laws and regulations
 - (3) Court decisions and other legal limits or conditions
 - (4) Cost implications
 - (5) Effect on school system operation
 - (6) Impact on those affected by the policy
 - (7) National, state, and local literature and research
 - (8) Similar policies adopted by other school systems
- d) The committee and appropriate staff present the proposed policy item to the Board for discussion and tentative action.
- e) The policy item will be accompanied by a resolution that:
 - (1) Indicates the policy will lie on the table for at least 30 days before being voted upon as final action (If the Board deems an emergency exists, this provision may be waived without notice if all members are present and there is unanimous agreement.)
 - (2) Provides opportunity for citizen and staff comment
 - (3) Provides opportunity for public hearing (if the Board desires)
 - (4) Provides opportunity for the superintendent to give advice and recommendations
- f) The Board will adopt a policy with a standard format that will include as appropriate:

- (1) A statement of the purpose of the policy
- (2) A description of the problem or issue that the policy addresses and purports to resolve
- (3) A statement of the policy position or positions adopted by the Board, including a brief statement of the reasons and/or justification for these positions as appropriate
- (4) A statement of the results or outcomes desired
- (5) The strategies to be used in guiding the implementation of the policy
- (6) Specification of when reports are to be made to the Board of Education and the public on implementation and effectiveness, results achieved, and next steps. The frequency of reports will be specified by the Board of Education and may depend on such factors as high public interest, legal mandates, and the experimental/innovative nature of the activity

3. Policy Implementation

After adoption, the superintendent will follow up with:

- a) Regulations for implementation, if appropriate
- b) Publication of policy and regulation in the Handbook and distribution to affected parties
- c) Continuous monitoring of the policy and implementation and reporting to the Board as required under Section F., Review and Reporting

D. DESIRED OUTCOME

Policies that are well researched and analyzed prior to adoption or amendment and monitored by staff with results reported to the Board subsequent to adoption.

E. IMPLEMENTATION STRATEGIES

1. The superintendent will develop a process for implementing this policy that will include coordination of policy research and development, presentation to the

Board, implementing regulations, monitoring reports, and maintaining the process.

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

F. REVIEW AND REPORTING

1. The committee shall be apprised of the up-to-date status of the review process, including the number of policies that were reviewed, revised, and rescinded on an ongoing basis.
2. The superintendent will review policies on an ongoing basis in accordance with established practices for prioritizing policy matters, but the Board may call for review of any policy at its discretion. In the event the Board directs that a new or revised policy be developed, it may establish a timeline for the committee to bring a draft policy to the full Board for its consideration.
 - a) When the review results in recommended content changes to the policy, the process for policy formulation described above will be followed.
 - b) When review results in a recommendation for rescission, the Board of Education will take action on the recommendation.
 - c) If the review reveals that no substantive changes are recommended, the policy will be reformatted and reprinted and will be forwarded to the Board as an item of information.

RESOLUTION NO. 384-05 Re: **AN AMENDMENT TO THE FINAL ACTION – POLICY BFA – POLICYSETTING**

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

Resolved, That the Board amend Policy BFA at C.2.e)(1) to read:

Indicates the policy will lie on the table for at least ~~30~~ **21** days before being voted upon as final action (If the Board deems an emergency exists, this provision may be waived without notice if all members are present and there is unanimous agreement.)

RESOLUTION NO. 385-05 Re: **AN AMENDMENT TO THE FINAL ACTION – POLICY BFA**

- POLICYSETTING

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

Resolved, That the Board amend Policy BFA at C.2.d) to read:

The committee and appropriate staff present the proposed policy item to the Board for discussion, **and/or amendment**, and tentative action

RESOLUTION NO. 386-05 Re: **AN AMENDMENT TO THE FINAL ACTION – POLICY BFA – POLICYSETTING**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following resolution was adopted with Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Abrams voting in the negative:

Resolved, That the Board amend Policy BFA at C.2.e)(1) to read:

Indicates the **tentatively adopted** policy will lie on the table for at least 21 days before being voted upon as final action. (If the Board deems an emergency exists, this provision may be waived without notice if all members are present and there is unanimous agreement.)

RESOLUTION NO. 387-05 Re: **AN AMENDMENT TO THE FINAL ACTION – POLICY BFA – POLICYSETTING**

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

Resolved, That the Board amend Policy BFA at C.2.f) to read:

When taking final action, the Board will review public comments, staff responses, and committee recommendations and consider amendments proposed by Board members

Re: **AN AMENDMENT TO THE FINAL ACTION – POLICY BFA – POLICYSETTING**

On motion of Dr. Haughey and seconded by Ms. Ervin, the following resolution failed with Ms. Ervin and Dr. Haughey voting in the affirmative; Mr. Abrams, Ms. Cox, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the negative:

Resolved, That the Board amend Policy BFA at A. to read:

To establish a definition of policy and consistent process for development and implementation of formal policies **that will define courses of action to be carried out by the Montgomery County Public Schools and to identify the principles that** set forth the vision and goals of the school system, specify the rights and responsibilities of the school community, and guide the development and implementation of educational programs and/or for management of the school system

RESOLUTION NO. 388-05 Re: **FINAL ACTION – POLICY BFA – *POLICYSETTING***

On recommendation of the Policy Committee, the following resolution, as amended, was adopted with Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Dr. Haughey voting in the negative:

WHEREAS, Policy BFA, *Policysetting*, articulates the Board of Education's definition of "policy"; and

WHEREAS Policy BFA, *Policysetting*, articulates the Board of Education's vision of a policy setting process; and

WHEREAS, the draft of BFA, *Policysetting*, tentatively was adopted by the Board of Education on March 21, 2005, and sent out for public comment; and

WHEREAS, the Board of Education has considered comments and recommendations; now therefore be it

Resolved, That the Board of Education adopt Policy BFA, *Policysetting* as revised.

Policysetting

A. PURPOSE

To establish a definition of policy and consistent process for development and implementation of formal policies identifying principles to set forth the vision and goals of the school system, specify the rights and responsibilities of the school community, and guide the development and implementation of educational programs and/or for management of the school system

B. ISSUE

State law provides that the county Board of Education, with the advice of the

superintendent, determines the educational policies of the school system. In fulfilling this role, the Board of Education, among other actions, establishes formal policies to identify certain principles. Therefore, there should be a comprehensive and consistent process for policy analysis, formulation, implementation, monitoring, and evaluation.

C. POSITION

1. Definition

Policy is defined as the principles specifically set forth in the MCPS *Policies and Regulations Handbook* and identified as a “policy.” These policies, all of which have a three-letter identifier and are indexed in lettered sections of the MCPS *Policies and Regulations Handbook*, are adopted by resolution of the Board of Education to set forth the vision and goals of the school system, specify the rights and responsibilities of the school community, and guide the development and implementation of educational programs and/or for management of the school system. For purposes of Policy BFA, *Policysetting*, and Regulation BFA-RA, *Policysetting*, the term “policy” refers to only those principles identified as policy in the *Policies and Regulations Handbook*.

2. Policy development

- a) There shall be a Policy Committee of the Board of Education, consisting of not less than three members with staggered three-year terms with one member and the chair chosen annually at the Board’s December meeting. The Board may appoint the student Board member to serve as a fourth full member of the committee. The committee reviews and presents policy drafts to the full Board for adoption.
- b) The superintendent, Board of Education, and/or Board Policy Committee recognizes the need for a policy, or significant revisions to an existing policy, and how the need relates to Board governance including its mission, goals, and objectives.
- c) The committee, the superintendent or the superintendent's designee, appropriate staff, and, where deemed appropriate, a workgroup of relevant stakeholders meet to develop a draft policy. The draft policy shall take into account as appropriate:
 - (1) Other policies of the Board of Education and of other governmental agencies

- (2) Federal, state, and local laws and regulations
 - (3) Court decisions and other legal limits or conditions
 - (4) Cost implications
 - (5) Effect on school system operation
 - (6) Impact on those affected by the policy
 - (7) National, state, and local literature and research
 - (8) Similar policies adopted by other school systems
- d) The committee and appropriate staff present the proposed policy item to the Board for discussion, and/or amendment, and tentative action.
- e) The policy item will be accompanied by a resolution that:
- (1) Indicates the tentatively adopted policy will lie on the table for at least 21 days before being voted upon as final action (If the Board deems an emergency exists, this provision may be waived without notice if all members are present and there is unanimous agreement.)
 - (2) Provides opportunity for citizen and staff comment
 - (3) Provides opportunity for public hearing (if the Board desires)
 - (4) Provides opportunity for the superintendent to give advice and recommendations
- f) When taking final action, the Board will review public comments, staff responses, and committee recommendations and consider amendments proposed by Board members
- g) The Board will adopt a policy with a standard format that will include as appropriate:
- (1) A statement of the purpose of the policy
 - (2) A description of the problem or issue that the policy addresses and purports to resolve

- (3) A statement of the policy position or positions adopted by the Board, including a brief statement of the reasons and/or justification for these positions as appropriate
- (4) A statement of the results or outcomes desired
- (5) The strategies to be used in guiding the implementation of the policy
- (6) Specification of when reports are to be made to the Board of Education and the public on implementation and effectiveness, results achieved, and next steps. The frequency of reports will be specified by the Board of Education and may depend on such factors as high public interest, legal mandates, and the experimental/innovative nature of the activity

3. Policy Implementation

After adoption, the superintendent will follow up with:

- a) Regulations for implementation, if appropriate
- b) Publication of policy and regulation in the Handbook and distribution to affected parties
- c) Continuous monitoring of the policy and implementation and reporting to the Board as required under Section F., Review and Reporting

D. DESIRED OUTCOME

Policies that are well researched and analyzed prior to adoption or amendment and monitored by staff with results reported to the Board subsequent to adoption.

E. IMPLEMENTATION STRATEGIES

1. The superintendent will develop a process for implementing this policy that will include coordination of policy research and development, presentation to the Board, implementing regulations, monitoring reports, and maintaining the process.
2. All regulations developed in support of Board-adopted policies shall be sent to the Board as items of information.

F. REVIEW AND REPORTING

1. The committee shall be apprised of the up-to-date status of the review process, including the number of policies that were reviewed, revised, and rescinded on an ongoing basis.
2. The superintendent will review policies on an ongoing basis in accordance with established practices for prioritizing policy matters, but the Board may call for review of any policy at its discretion. In the event the Board directs that a new or revised policy be developed, it may establish a timeline for the committee to bring a draft policy to the full Board for its consideration.
 - a) When the review results in recommended content changes to the policy, the process for policy formulation described above will be followed.
 - b) When review results in a recommendation for rescission, the Board of Education will take action on the recommendation.
 - c) If the review reveals that no substantive changes are recommended, the policy will be reformatted and reprinted and will be forwarded to the Board as an item of information.

RESOLUTION NO. 389-05 Re: **FINAL ACTION TO RECONSTITUTE THE CITIZENS ADVISORY COMMITTEE ON FAMILY LIFE AND HUMAN DEVELOPMENT**

On motion of Mr. Abrams and seconded by Mrs. Navarro, the following resolution was adopted unanimously by members present:

WHEREAS, the Board of Education first established a Citizens Advisory Committee on Family Life and Human Development on February 24, 1970; and

WHEREAS, By Resolution 261-05, approved May 23, 2005, the Board of Education modified the terms of the then sitting members of the Citizens Advisory Committee so that their terms expired as of that date; and

WHEREAS, The Code of Maryland Regulations (COMAR) 13A.04.18.03 requires that the curriculum on family life and human development – including the three focus areas of interpersonal relationships, physiological and personality changes, and advanced physiology and psychology of human sexual behavior – “shall be developed by professional educators within the local school system,” and that “a citizens advisory committee broadly representing the views of the community shall consult with these educators in developing, implementing,

and evaluating the program"; and

WHEREAS, The Board took tentative action on this resolution on July 6, 2005; now therefore be it

Resolved, that the Board of Education hereby reconstitute the Citizens Advisory Committee on Family Life and Human Development as an advisory committee to the Board of Education and superintendent, under Policy BMA, *Board of Education Advisory Committees*, and to the superintendent and educators under his direction as required by COMAR 13A.04.18.03.D(1) *Community Involvement*, and be it further

Resolved, That the reconstituted committee shall be appointed by the Board of Education in open session, and be comprised of 15 members, all of whom shall be bona fide residents of Montgomery County, otherwise qualified to serve, and include eight members at large, one of whom shall be an MCPS high school student; and seven representatives of organizations, one of whom shall be an MCPS high school student representing the Montgomery County Region of the Maryland Association of Student Councils, one of whom shall be a representative of Citizens for Responsible Curriculum, and one of whom shall be a representative of Parents and Friends of Ex-Gays and Gays; and be it further

Resolved, That, pursuant to COMAR 13A.04.18.03.D(1), this committee shall serve in an advisory capacity only, to consult with professional educators within the school system in the course of their developing, implementing, and evaluating the family life and human development program to the degree deemed appropriate by the superintendent; and be it further

Resolved, That, consistent with provisions in Board Policy BMA, applications for membership on this committee shall be solicited publicly by the Board Office in collaboration with a liaison to be designated by the superintendent; and all applications shall be presented to the Board of Education and superintendent for review and consideration; and be it further

Resolved, That members of the reconstituted committee be comprised of individuals who have not served on this committee previously, and who have applied individually or been nominated by organizations in response to the solicitation of applicants following this action; that organizations interested and designated shall submit one nominee and two alternate nominees; and that final appointment of all individuals, including organizational representatives and the committee chairperson, shall remain within the discretion of the Board, upon consultation with the superintendent; and be it further

Resolved, That normal terms of appointment shall be for two years for the adult members and one year for the student member, expiring on June 30th, except that the terms of the initial appointments of the reconstituted committee shall be for a lesser term reflective of their

appointment subsequent to July 1st; and the Board of Education may direct further changes in the formation or operation of this committee, as it may deem advisable; now, therefore, be it further

Resolved, That to the extent this resolution may be inconsistent with any existing Board policies or administrative regulations of the school system, the resolution shall supersede only those provisions in any Board policies or administrative regulations that are in conflict with this resolution.

RESOLUTION NO. 390-05 Re: **CHARGE TO CITIZENS ADVISORY COMMITTEE ON FAMILY LIFE AND HUMAN DEVELOPMENT**

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

WHEREAS, the Board of Education and superintendent of schools desire to provide teachers and secondary students of the Montgomery County Public Schools (MCPS) with the very best curriculum and comprehensive instruction about family life and human development, including important information about human sexuality that promotes tolerance and understanding towards all people regardless of sexual orientation; and

WHEREAS, the Board of Education has taken final action reconstituting the systemwide Citizens Advisory Committee on Family Life and Human Development, pursuant to Code of Maryland Regulations (COMAR) 13A.04.18.03D(1) and Policy BMA, *Board of Education Advisory Committees*; and

WHEREAS, it is the responsibility of the Board of Education to set forth the charge to the advisory committee, the task to be accomplished, the manner of accomplishing that task, and the schedule for reporting to the superintendent and the Board of Education; now therefore be it

Resolved, That the charge to the Citizens Advisory Committee on Family Life and Human Development is to consult with professional educators within the school system in the course of their developing, implementing, and evaluating the family life and human development program, to the degree deemed appropriate by the superintendent, consistent with the provisions of COMAR 13A.04.18.03(D)1; and be it further_

Resolved, That the curriculum on family life and human development, including revisions, is to be developed by professional educators, under the direction of the superintendent of schools, as required by COMAR 13A.04.18.03D(1); and be it further

Resolved, That instructional materials on family life and human development are to be

evaluated using MCPS procedures for reading levels, factual content, and general suitability of material for different levels of instruction, as required by COMAR 13A.04.18.03C(2); and be it further

Resolved, That the Citizens Advisory Committee on Family Life and Human Development is to review draft revisions or additions to the curriculum on family life and human development developed by the educators and the materials of instruction evaluated by education staff and provide its comments and recommendations on the curriculum and on the instructional materials to the superintendent and, through the superintendent, to the Board of Education, in a final report; and be it further

Resolved, That the Citizens Advisory Committee on Family Life and Human Development is to meet at least twice each school year, at the discretion of the advisory committee chair in consultation with the superintendent; and be it further

Resolved, That the Citizens Advisory Committee's final report shall be submitted to the Board of Education by the superintendent when he presents recommendations to the Board of Education for the adoption of curriculum, in accordance with §4-205(l) of the Education Article, Annotated Code of Maryland.

RESOLUTION NO. 391-05 Re: CONTRACTS OF \$25,000 OR MORE

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, 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 be awarded to the low bidders meeting specifications as shown below:

BL01-3 99876-12	Resurfacing of Tennis and Basketball Courts at Watkins Mill High School**	
	<u>Awardee</u> American Tennis Courts, Inc.*	\$113,000
1076.3	Residency Verification	
	<u>Awardees</u> (See note) Accu-Line Investigation	

	Prudential Associates Systems Application and Technologies, Inc.* Total	\$ 50,000
4107.2	Fire Alarm Monitoring System	
	<u>Awardee</u> ARK Systems, Inc.	\$ 41,088
7094.2	Aftermarket Automotive Parts	
	<u>Awardee</u> Kingmor Supply, Inc.	\$150,000
9391.1	Replace Suspended Ceiling Lights for Fox Chapel Elementary School**	
	<u>Awardee</u> MMK Contractors	\$ 41,113
9393.1	Gymnasium Wood Floor System at Gaithersburg Elementary School**	
	<u>Awardee</u> Weyer's Floor Service, Inc.	\$ 29,858
9515.4	Middle School Athletic Shirts—Extension	
	<u>Awardee</u> Anaconda Sports, Inc.	\$ 44,648
	TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000	\$469,707

* 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. 392-05 Re: **AWARD OF CONTRACT – BROAD ACRES
ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by

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

WHEREAS, The following sealed bids were received on July 12, 2005, for the Broad Acres Elementary School addition project:

<u>Bidder</u>	<u>Amount</u>
Phillips Way, Inc.	\$6,982,900
Keller Brothers, Inc.	7,614,750
Tuckman-Barbee Construction Company, Inc.	7,699,720

and

WHEREAS, The low bidder, Phillips Way, Inc., has submitted 24.7-percent Maryland Department of Transportation-certified Minority Business Enterprise (MBE) participation, of which 0.7 percent is African-American, 21.5 percent is female, and 2.5 percent is Asian; and

WHEREAS, Phillips Way, Inc., has submitted a waiver for the 0.3-percent balance of the MBE participation goal; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the 0.3-percent balance of the MBE participation goal; and

WHEREAS, Phillips Way, Inc., has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid exceeds the project estimate because of rising construction prices that were not anticipated when the FY2005-2010 Capital Improvements Plan was developed; and

WHEREAS, The County Council as part of the FY 2006 Capital Budget approval process recognized that construction prices have risen beyond projected estimates and allocated funds in the Capital Reserve to cover overages for school projects scheduled to start construction in FY 2006; now therefore be it

Resolved, That a \$6,982,900 contract be awarded to Phillips Way, Inc., for the Broad Acres Elementary School addition project, in accordance with drawings and specifications prepared by Proffitt & Associates Architects; and be it further

Resolved, That a FY 2006 Capital Budget special appropriation be requested in the amount of \$350,000 to cover higher-than-anticipated construction prices for the Broad Acres

Elementary School addition project; and be it further

Resolved, That the county executive be requested to recommend approval of the special appropriation to the County Council.

RESOLUTION NO. 393-05 Re: **AWARD OF CONTRACT – FARMLAND ELEMENTARY SCHOOL ADDITION**

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

WHEREAS, The following sealed bids were received on July 13, 2005, for the Farmland Elementary School addition project:

<u>Bidder</u>	<u>Amount</u>
Keller Brothers, Inc.	\$5,448,200
Scheibel Construction	5,482,000
Tuckman-Barbee Construction Company, Inc.	5,693,150
Phillips Way, Inc.	5,870,000
The McAlister-Schwartz Company	5,919,935

and

WHEREAS, The low bidder, Keller Brothers, Inc., has submitted 2-percent Maryland Department of Transportation-certified Minority Business Enterprise (MBE) participation; and

WHEREAS, Keller Brothers, Inc., has indicated that they will be able to identify additional minority participation and requested that staff delay their evaluation of the waiver certification; and

WHEREAS, Keller Brothers, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$5,448,200 contract be awarded to Keller Brothers, Inc., for the Farmland Elementary School addition project, in accordance with drawings and specifications prepared by Cochran, Stephenson & Donkervoet, Inc.

RESOLUTION NO. 394-05 Re: **AWARD OF CONTRACTS – RICHARD MONTGOMERY HIGH SCHOOL**

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

WHEREAS, On January 13, 2004, the Board of Education authorized staff to utilize a construction management process for the Richard Montgomery High School replacement project; and

WHEREAS, The following low bids were received on May 25 and July 12, 2005, for the specified trades:

<u>Low Bids</u>	<u>Amounts</u>
Excavation/Site Work, Phase 1—AccuBid Excavation, Inc.	\$5,496,000
Masonry—KaRon Masonry of Maryland, Inc.	5,806,500
Miscellaneous Metals—S. A. Halac Iron Works, Inc.	2,208,500
Structural Steel—S. A. Halac Iron Works, Inc.	5,940,000

and

WHEREAS, The Minority Business Enterprise participation will be reported at the completion of all bid activity for this project; and

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

Resolved, That contracts be awarded to the above-mentioned contractors for the amounts listed for the Richard Montgomery High School replacement project, in accordance with drawings and specifications prepared by SHW Group, LLP.

RESOLUTION NO. 395-05 Re: **ARCHITECTURAL APPOINTMENTS – GYMNASIUM ADDITIONS AT VARIOUS SCHOOLS**

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

WHEREAS, It is necessary to appoint architectural firms to provide professional and technical services during design and construction phases for the gymnasium additions to Bel Pre, Burning Tree, Fairland, and Thurgood Marshall elementary schools; and

WHEREAS, The preliminary construction cost estimate for each gymnasium addition project is approximately \$950,000; and

WHEREAS, Funds for architectural planning have been programmed as part of the FY 2006 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Zavos Architecture + Design as the most qualified firm to provide the necessary professional architectural and engineering services for the gymnasium additions to Bel Pre and Burning Tree elementary schools; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Grimm + Parker Architects, the architects for the original buildings, for the gymnasium additions to Fairland and Thurgood Marshall elementary schools; and

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

Resolved, That the Montgomery County Board of Education enter into contractual agreements with Zavos Architecture + Design and Grimm + Parker Architects, to provide professional architectural and engineering services for the gymnasium additions to Bel Pre, Burning Tree, Fairland, and Thurgood Marshall elementary schools for fees of \$245,000 and \$208,000, respectively.

RESOLUTION NO. 396-05 Re: **FY 2006 SPECIAL APPROPRIATION REQUEST – CURRENT MODERNIZATIONS**

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

WHEREAS, As part of the final action on the FY 2006 Capital Budget, the County Council reserved funds for a twenty (20)-percent increase in scheduled expenditures for FY 2006 due to rapidly rising construction prices in the Washington Metropolitan Area; and

WHEREAS, Bids have been received for the school projects in the FY 2006 Capital Budget scheduled to be bid this summer, with the exception of Parkland Middle School; and

WHEREAS, Based on the bids received for the FY 2006 summer projects, along with estimates for Parkland Middle School using recent bid prices, the aggregate increase in the funds needed to complete these projects is within the overall twenty (20)-percent increase in expenditures established by the County Council; and

WHEREAS, Special appropriations have been requested as needed for individual projects, with the exception of the modernizations to Richard Montgomery High School and Parkland Middle School; and

WHEREAS, A special appropriation for the current modernization program is needed to finalize the contracts for the Richard Montgomery High School project and to begin construction at Parkland Middle School once bids are received; now therefore be it

Resolved, That an FY 2006 Capital Budget special appropriation and amendment to the FY 2005–2010 Capital Improvements Program be requested in the amount of \$22,323,000 to cover higher-than-anticipated construction prices for the Richard Montgomery High School and Parkland Middle School modernization projects; and be it further

Resolved, That the county executive be asked to recommend approval of this request based on the overall twenty (20)-percent increase in expenditures for schools recognized by the County Council as part of the final approval of the FY 2006 Capital Budget.

RESOLUTION NO. 397-05 Re: DEED-OF-LEASE AGREEMENT AT ROLLINGWOOD CENTER

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

WHEREAS, The French International School has leased and occupied the former Rollingwood Elementary School since 1990; and

WHEREAS, The current lease has expired and facilities staff has negotiated a new one-year Deed-of-Lease Agreement with the French International School representatives; and

WHEREAS, Outside counsel from Reese and Carney has approved the new agreement for legal sufficiency; now therefore be it

Resolved, That the superintendent and president of the Board of Education be authorized to execute the Deed-of-Lease Agreement with the French International School.

RESOLUTION NO. 398-05 Re: UTILIZATION OF THE FY 2006 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS

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

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. 15-631, approved May 27, 2005; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2006 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 2006 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions</u>	<u>Amount</u>
Maryland Equipment Incentive Fund		\$ 26,985
Learning in the Arts for Children and Youth		59,939
International Research and Studies Program	<u>0.5*</u>	<u>\$ 148,000</u>
Total	<u>0.5*</u>	<u>\$ 234,924</u>

Positions

*0.5 instructional specialist

and be it further

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

RESOLUTION NO. 399-05 Re: FY 2005 OPERATING BUDGET CATEGORICAL TRANSFER

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

WHEREAS, Category 5 Other Instructional Costs reflected a deficit as of June 30, 2005, as a result of higher-than-expected costs for the Technology for Curriculum Mastery initiative and other technology programs to support student assessment; and

WHEREAS, Category 9 Student Transportation reflected a deficit as of June 30, 2005, as a result of higher-than-expected costs for bus fuel and parts; and

WHEREAS, Category 12 Fixed Charges reflected a deficit as of June 30, 2005, as a result of higher-than-anticipated costs in the Employee Benefit Plan reflecting national trends; and

WHEREAS, The required funds are available for transfer from Category 1 Administration, Category 2 Mid-level Administration, Category 3 Instructional Salaries, and Category 4 Textbooks and Instructional Supplies, now therefore be it

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following categorical transfers:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
1	Administration		\$ 500,000
2	Mid-level Administration		500,000
3	Instructional Salaries		2,800,000
4	Textbooks and Instructional Supplies		1,200,000
5	Other Instructional Costs	\$1,200,000	
9	Student Transportation	2,200,000	
12	Fixed Charges	<u>1,600,000</u>	<u> </u>
	Total	<u>\$5,000,000</u>	<u>\$5,000,000</u>

and be it further

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

Resolved, That the county executive be requested to recommend approval of the categorical transfer to the County Council.

RESOLUTION NO. 400-05 Re: **RECOMMENDED FY 2006 SUPPLEMENTAL APPROPRIATION FOR THE REAL ESTATE MANAGEMENT FUND**

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

WHEREAS, The Office of Strategic Technologies and Accountability technical training center must relocate from the former Connecticut Park Elementary School facility that is being reopened as an active school; and

WHEREAS, Additional funds are needed to cover projected FY 2006 expenses in the Real Estate Management Fund resulting from the leasing of commercial office space for the Office of Strategic Technologies and Accountability technical training center; and

WHEREAS, Sufficient additional revenue is available in the Real Estate Management Fund to cover these additional expenses and maintain a fifteen (15)-percent balance in retained earnings; now therefore be it

Resolved, That an FY 2006 supplemental appropriation of \$225,000 be requested for the Real Estate Management Fund, Category 51; and be it further

Resolved, That this supplemental appropriation be funded from additional real estate rental revenue; and be it further

Resolved, That the county executive be requested to recommend approval of the supplemental appropriation by the County Council.

RESOLUTION NO. 401-05 Re: **RETIREMENT AND PENSION SYSTEM – ACTUARIAL ASSUMPTIONS**

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

WHEREAS, The Montgomery County Public Schools Employees' Pension System was established effective January 1, 1980, to provide supplemental benefits to Montgomery County Public Schools employees who participate in the Maryland State Teachers Pension System and full benefits to Montgomery County Public Schools employees not eligible to participate in the Maryland State Teachers Pension System; and

WHEREAS, The plan requires that an actuarial valuation of the plan be conducted each year; and

WHEREAS, The superintendent of schools and the plan actuary are expected to review the assumptions used to conduct the annual actuarial valuation from time to time to ensure that the assumptions are realistic and reflect plan experience where applicable; and

WHEREAS, The plan actuary has conducted a comprehensive experience study and recommended that assumption changes outlined in a report, "Montgomery County Public Schools Experience Study of Actuarial Methods and Assumptions for the Employees' Retirement and Pension Systems of June 2005," be used when preparing the annual actuarial valuation for the plan year ending June 30, 2005; and

WHEREAS, The Board of Education Audit Committee has reviewed the proposed assumption changes and agrees with the recommendation of the plan actuary; and

WHEREAS, The plan actuary has recommended that the existing Unfunded Actuarial Liabilities of the plan be re-amortized to reflect common actuarial practice; and

WHEREAS, The Board of Education Audit Committee has recommended that the existing

Unfunded Actuarial Liabilities be amortized over a 15-year period; and

WHEREAS, The recommended assumptions reflect actual plan experience and will ensure that Montgomery County Public Schools continues to properly fund the plan; now therefore be it

Resolved, That beginning with the actuarial valuation for the plan year ending June 30, 2005, the Montgomery County Public Schools Employees Retirement and Pension System plan actuary use the new assumptions contained in the report, "Montgomery County Public Schools Experience Study of Actuarial Methods and Assumptions for the Employees' Retirement and Pension Systems of June 2005" to produce the annual actuarial valuation of the plan; and be it further

Resolved, That the existing Unfunded Actuarial Liabilities be amortized over a 15-year period; and be it further

Resolved, That the superintendent of schools is authorized to take the necessary actions to implement these changes.

RESOLUTION NO. 402-05 Re: RETIREE HEALTH BENEFITS – MEDICARE PART D

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

WHEREAS, The Board of Education of Montgomery County, Maryland, adopted an employee benefit plan effective December 15, 1958, that provides for insurance coverage for the benefit of both active and retired plan members and their qualified dependents; and

WHEREAS, The Board of Education has from time to time made changes to plan provisions for both active and retired plan participants; and

WHEREAS, The Medicare Prescription Drug Improvement and Modernization Act of 2003 was signed into law on December 8, 2003; and

WHEREAS, Staff presented several options to the Board of Education's Audit Committee on July 1, 2005; and

WHEREAS, The option to receive a subsidy is Medicare's preferred approach, and one that has been identified as making the most financial and operational sense for MCPS; and

WHEREAS, The Board of Education's Audit Committee agreed that MCPS should maintain the existing self-insured prescription drug programs and apply to receive a subsidy for

qualified Medicare Part D claims; and

WHEREAS, the Federal Government views the subsidy to be employer money; and

WHEREAS, MCPS will not be eligible for the subsidy for claims incurred by any Medicare eligible retiree who enrolls for Medicare Part D through a private stand-alone arrangement; now therefore be it

Resolved, That MCPS will apply for a Medicare Part D subsidy by the September 30, 2005, deadline; and be it further

Resolved, That subsidy payments will be deposited into the Retiree Health Benefit Trust account to lower MCPS costs; and be it further

Resolved, That any retiree enrolling for Medicare Part D coverage through a private stand-alone arrangement will forfeit eligibility for membership in the MCPS-sponsored prescription drug program; and be it further

Resolved, That any retiree who enrolls with a private Medicare Part D provider be given an opportunity to re-enroll in the MCPS plan during the annual retiree health plan enrollment period; and be it further

Resolved, That the superintendent of schools is authorized to take the necessary actions to implement these changes and communicate them to retirees.

RESOLUTION NO. 403-05 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Carol Goddard	Assistant Principal, Walter Johnson HS	Principal, Gaithersburg MS

RESOLUTION NO. 404-05 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Jane Woodburn	Director of School Performance	Director, Department of Recruitment and Staffing

RESOLUTION NO. 405-05 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Elizabeth Brown	Acting Director, Department of Curriculum and Instructional Programs	Director, Department of Curriculum and Instruction Programs

RESOLUTION NO. 406-05 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Bruce Crispell	Senior Planner/Demographer, Department of Planning and Capital Programming	Director, Division of Long-Range Planning

RESOLUTION NO. 407-05 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Laurence Hansch	Principal, Briggs Chaney MS	Director, Division of Consortia Choice and Application Program Services

RESOLUTION NO. 408-05 Re: HUMAN RESOURCES APPOINTMENT

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by

Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Judith Klimpl	Assistant Principal, Herbert Hoover MS	Supervisor, Foreign Languages Program

RESOLUTION NO. 409-05 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Leslie Dublinske	Instructional Specialist	Special Education Supervisor

RESOLUTION NO. 410-05 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Cheryl Robinson	Regional Special Education Specialist	Special Education Supervisor

RESOLUTION NO. 411-05 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Sandra Navidi	Resource Teacher, Gaithersburg HS	Curriculum Coordinator, Business Management, Entrepreneurship, and Information Technologies

RESOLUTION NO. 412-05 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Barbara Pearlman	Tobacco Use Prevention Specialist/ Health Education Specialist	Coordinator, Health Education

RESOLUTION NO. 413-05 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Roger Ball	Consultant	Director, Division of Procurement

**Re: UPDATE ON THE COLLABORATIVE ACTION
PROCESS**

Dr. Weast invited the following people to the table: Dr. Carey M. Wright, associate superintendent, Office of Special Education and Student Services; Mr. Matthew Kamins, supervisor, Psychological Services; Ms. Darlyne McEleney, principal, Poolesville Elementary School; and Mr. Keith Jones, principal, Summit Hall Elementary School.

The purpose of this update is to provide the Board with information on the implementation and expansion of the Collaborative Action Process (CAP). The update includes background information about the origins of this model and data being used to monitor and improve the process, consistent with the MCPS Strategic Plan, *Our Call to Action: Pursuit of Excellence*.

CAP assists schools in supporting the educational success of students who are having academic difficulties. The process uses a problem-solving framework that links the use of formative assessment with intervention strategies, reassessment, and follow-up interventions that will lead to improved academic performance. CAP parallels and complements the Baldrige process and focuses directly on the Framework for Improving Teaching and Learning. CAP gives teachers answers that can resolve issues and promote learning. Initial results show improved academic achievement, reduced suspensions and expulsions, and

more accurate referrals to special education.

Re: **DISCUSSION**

Mrs. Navarro commented on Baldrige training and the role of the principal in implementing the process and keeping staff on track. Even though there will be uncertainty among staff, the consequence for children of disproportionate coding is not acceptable.

Ms. Ervin remarked on the data presented in the report. She wanted feedback on the suspension, expulsion, and dropout rates. What is the data telling MCPS? The results of the CAP have been very encouraging in the schools that have implemented it. What is the plan for bringing the program to all schools? Mr. Kamins replied that the process will include data collection in order to evaluate the program's effectiveness across more schools.

Ms. Ervin inquired about the problem-solving process within a school. Mr. Kamins replied that the process is used to determine why a student's behavior has occurred and apply the proper supports for the student and teacher. The situation is monitored, outcomes are observed, and interventions are maintained or changed. Furthermore, CAP monitors trends and patterns in individual schools.

Ms. Cox noted that the parent and student also take responsibility. How is the family involved in the process? What support is there for speakers of other languages? Dr. Weast stated that parents are involved from the beginning when there is a concern, and Connect Ed is used to communicate with parents.

Mr. Romero noted that the instructor must be trained to evaluate all situations, and some situations take weeks to assess. How are discipline issues resolved in the short-term? Dr. Weast explained that the immediate problems must be addressed, but there must be follow through to provide intervention for the long-term causes for the behavior.

Dr. Haughey was concerned that the system get the data to confirm results and outcomes. It is clear that this program represents a culture change. Dr. Weast thought there might be a reallocation of funds and removal of programs that are not effective.

Mrs. Navarro stated that she was a supporter and advocate for funding of the CAP. The process is based on tools that operationalize the process for a culture shift. She was interested in parent involvement, which needs to be in the forefront at all times. The bottom line is that the client base is very diverse.

**Mr. Abrams temporarily left the meeting

RESOLUTION NO. 414-05 Re: **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. Navarro, 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 Thursday, August 25, 2005, in Room 120 of the Carver Educational Services Center to meet from 9:00 a.m. to 1:00 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. 415-05 Re: REPORT OF CLOSED SESSION

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

On July 6, 2005, 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 session on July 6, 2005, from 9:00 to 9:55 a.m. and 12:30 to 1:55 p.m., in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): T-2005-5, T-2005-6, and T-2005-8.
2. Reviewed and considered the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*) with a subsequent vote in open session: T-2005-10, T-2005-11, and T-2005-12.
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. 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*.
5. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
6. 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 sessions were: Steve Abrams, Aggie Alvez, Larry Bowers, Judy Bresler, Patrick Clancy, Sharon Cox, Brian Edwards, Valerie Ervin, Jonathan Franklin, Charles Haughey, Richard Hawes, Roland Ikheloa, Sebastian Johnson, Don Kress, Frieda Lacey, George Margolies, Susan Marks, Nancy Navarro, Pat O'Neill, Brian Porter, John Q. Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Matt Tronzano, and Jerry Weast.

RESOLUTION NO. 416-05 Re: APPEAL

On motion of Dr. Haughey and seconded by Mr. Romero, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Order in Appeal T-2005-13, student transfer, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 417-05 Re: APPEAL

On motion of Dr. Haughey and seconded by Mr. Romero, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Order in Appeal T-2005-14, student transfer, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 418-05 Re: APPEAL

On motion of Dr. Haughey and seconded by Mr. Romero, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Order in Appeal T-2005-15, student transfer, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. O'Neill, and Mr. Romero voting to affirm; Mrs. Navarro recused herself; Mr. Johnson was absent when this

case was adjudicated.

RESOLUTION NO. 419-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Order in Appeal DCC-2005-16, student assignment, reflective of the following vote: Ms. Cox, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill and Mr. Romero voting to affirm; Mr. Abrams and Ms. Ervin voting to reverse; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 420-05 Re: APPEAL

On motion of Dr. Haughey and seconded by Mrs. Navarro, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Order in Appeal NEC-2005-17, student assignment, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 421-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Order in Appeal T-2005-19, student transfer, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, and Mrs. O'Neill voting to affirm; Mr. Romero voting to reverse; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 422-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2005-20, student assignment, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to reverse; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 423-05 Re: APPEAL

On motion of Dr. Haughey and seconded by Mrs. Navarro, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Order in Appeal DCC-2005-21, student assignment, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 424-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Order in Appeal T-2005-22, student transfer, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 425-05 Re: APPEAL

On motion of Dr. Haughey and seconded by Mrs. Navarro, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Order in Appeal T-2005-23, student transfer, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 426-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Order in Appeal T-2005-24, student transfer, reflective of the following vote: Dr. Haughey voting to affirm; Mr. Abrams, Ms. Cox, Ms. Ervin, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to reverse; Mr. Johnson was absent when this case was adjudicated.

RESOLUTION NO. 427-05 Re: APPEAL

On motion of Dr. Haughey and seconded by Mr. Romero, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Order in Appeal DCC-2005-26, student assignment, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson was absent when this case was adjudicated.

**Mr. Abrams rejoined the meeting.

Re: **AN ASSESSMENT OF LANGUAGE ASSISTANCE SERVICES PROVIDED BY MCPS TO THE SCHOOL COMMUNITY**

On motion of Ms. Ervin and seconded by Mrs. Navarro, the following resolution was placed on the table:

Resolved, That the Board of Education schedule, as part of a business meeting no later than the end of September, 2005, a discussion of the June 28, 2005 report issued by the Office of Legislative Oversight, entitled "An Assessment of Language Assistance Services Provided by MCPS to the School Community" and that, following the discussion, OLO's recommendation for the formulation of a policy be referred to the Policy Committee for its consideration.

RESOLUTION NO. 428-05 Re: **AN AMENDMENT TO THE RESOLUTION ON AN ASSESSMENT OF LANGUAGE ASSISTANCE SERVICES PROVIDED BY MCPS TO THE SCHOOL COMMUNITY**

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

Resolved, That the Board of Education schedule, as part of a business meeting no later than the end of September, 2005, a discussion of the June 28, 2005 report issued by the Office of Legislative Oversight, entitled "An Assessment of Language Assistance Services Provided by MCPS to the School Community" and that, following the discussion, **the Board will consider OLO's recommendation for the formulation of a policy** ~~OLO's recommendation for the formulation of a policy be referred to the Policy Committee for its consideration.~~

RESOLUTION NO. 429-05 Re: **AN ASSESSMENT OF LANGUAGE ASSISTANCE SERVICES PROVIDED BY MCPS TO THE SCHOOL COMMUNITY**

On motion of Ms. Ervin and seconded by Mrs. Navarro, the following resolution was adopted unanimously, as amended:

Resolved, That the Board of Education schedule, as part of a business meeting no later than the end of September, 2005, a discussion of the June 28, 2005, report issued by the Office of Legislative Oversight, entitled "An Assessment of Language Assistance Services Provided by MCPS to the School Community" and that, following the discussion, the Board will consider OLO's recommendation for the formulation of a policy.

Re: **NEW BUSINESS**

Ms. Ervin moved and seconded by Mr. Abrams the following:

WHEREAS, Carver High School and Junior College opened in September of 1951, during the time the school system was segregated, as the first senior high school built for black children, bearing the designation of a Montgomery County school named after a black scientist, Dr. George Washington Carver; and

WHEREAS, Carver High School's Class of 1960 was its last graduating class at the school, closing its doors on June 13, 1960, as the last steps of desegregation were carried out in the wake of the Supreme Court's decision of *Brown v. Board of Education*; and

WHEREAS, Carver Educational Services Center, housing the central administration of the school system, has occupied the building in the intervening 45 years, employing thousands of employees, few of whom are mindful of the significant and meaningful history of those who attended and taught at the segregated Carver High School and Junior College; and

WHEREAS, Except for a limited display on one wall inside the main entrance to the building, the lobby is otherwise strewn with newspapers and highlighted by stray postings that distract from the historical significance of George Washington Carver, the man and the school; now therefore be it

Resolved, That the Superintendent of Schools direct appropriate staff to design the main entrance to Carver Education Services Center in an aesthetically pleasing manner, the design to be both educationally and historically true and accurate, in acknowledging the rich contributions of George Washington Carver and the significant role of the students and staff of Carver High School and Junior College who blazed a path followed by many who improved themselves and society; and be it further

Resolved, That the main entrance design be implemented promptly.

RESOLUTION NO. 430-05 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of July 27, 2005, at 10:45 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

July 27, 2005

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