

APPROVED
23-2005

Rockville, Maryland
August 25, 2005

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Thursday, August 25, 2005, at 10:30 a.m.

Present: Mrs. Patricia B. O'Neill, President
in the Chair
Mr. Steve Abrams
Ms. Valerie Ervin
Dr. Charles Haughey
Mr. Sebastian Johnson, Student Board Member
Dr. Jerry Weast, Secretary/Treasurer

Absent: Ms. Sharon W. Cox
Mrs. Nancy Navarro
Mr. Gabriel Romero

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

RESOLUTION NO. 431-05 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Mr. Abrams, 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 August 25, 2005, in Room 120 from 8:30 to 10:30 a.m. to discuss the Human Resources Monthly Report and 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 August 25, 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. 432-05 Re: APPROVAL OF THE AGENDA

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

Resolved, That the Board of Education approve its agenda for August 25, 2005.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Ruth Jacobs	Health Curriculum
2.	Rosemarie Briggs	Health Curriculum
3.	Matthew Lowe	Health Curriculum
4.	Teressa Wallace	Health Curriculum
5.	Sarah Fletcher	Health Curriculum
6.	Jane Creagan	Naming NECES #16
7.	Richard Rosenzweig	Naming NECES #16
8.	Christine Grewell	Health Curriculum
9.	Ben Patton	Health Curriculum
10.	Valerie Dickey	Traditional Family
11.	Letitia Hall	Health Curriculum
12.	Alexis Guild	Health Curriculum
13.	Lynne Morgan	Health Curriculum

Re: BOARD/SUPERINTENDENT COMMENTS

Mr. Abrams commented that the process for naming the new school is totally consistent with the policy and regulation. The policy permits the school system to recommend up to three names for consideration, but it does not require the system to submit more than one name. The community will have every opportunity to participate in the process.

Mr. Johnson thanked the students for their public testimony since the Board appreciates the students' perspectives on all issues.

Dr. Haughey commented that the beginning of the new school year is an exciting time for staff and students.

Mrs. O'Neill reported that she had the privilege to attend the National School Boards

Association presidents' retreat. This was an inspiring retreat with small and large school districts. Common issues included *No Child Left Behind*, states' rights, and legal concerns.

RESOLUTION NO. 433-05 Re: PROCUREMENT CONTRACTS OF \$25,000 OR MORE

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

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

WHEREAS, It is recommended that Bid No. 4176.1, Plumbing Fixture Replacement, be rejected due to lack of competition; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of refrigerated cargo trucks for the Division of Food and Nutrition Services through Bid No. 7104.3; and

WHEREAS, The acquisition of refrigerated cargo trucks through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That Bid No. 4176.1, Plumbing Fixture Replacement, be rejected due to lack of competition; and be it further

Resolved, That refrigerated cargo trucks for the Division of Food and Nutrition Services in the amount of \$185,038 be lease/purchased for a five-year term under the Master Lease/Purchase Agreement with Carlyle Financial Services; and be it further

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

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

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

3502050 Storm Water Facility Improvements at Burnt Mills
207-AA Elementary School**

Awardee

	Highway and Safety Services*	\$ 57,523
050205 0349	Montgomery County Job Order Contract—Extension ** <u>Awardee</u> (See Note 1) CDCI, Inc.*	\$1,000,000
4095.3	Lamps <u>Awardees</u> Atlantic Electric Supply Corporation C. N. Robinson Lighting Supply Company Scott Electric Shepherd Electric Company, Inc. Vantage Lighting, Inc. Vehicle Maintenance Program, Inc.* Vista, Inc. VSA, Inc. Total	\$ 522 58,285 25,389 46,374 599 3,639 613 <u>21,364</u> \$ 156,785
4102.2	Recycled Toner Cartridges—Extension <u>Awardee</u> P.S. Data Supply	\$ 222,717
4172.1	Special Education/Early Intervention System <u>Awardee</u> 4GL School Solutions, Inc.	\$ 540,700
4175.1	Web-based Parent Outreach Application <u>Awardee</u> Edline	\$ 190,000
4177.1	Trading Room Project <u>Awardee</u> Trans-Lux	\$ 28,640
7104.3	Refrigerated Cargo Trucks	

	<u>Awardee</u> J. Price International Truck, Inc.	\$ 185,038
7111.2	Automotive Body Shop Paints and Supplies	
	<u>Awardee</u> Mattos, Inc.	\$ 52,862
7130.1	Poster Printer and Supplies—Extension	
	<u>Awardee</u> Signature Presentation Products	\$ 35,803
7154.1	Audio and Visual Equipment, Installation, and Extended Service for the Center for Technology Innovation	
	<u>Awardee</u> Vision Technologies*	\$ 34,695
9006.3	Shade/Upholstery Material	
	<u>Awardees</u> Crown Shade Company	\$ 129,721
	Dymalon, Inc.*	4,081
	Frankel Association, Inc.	36,830
	Loktite, Inc.	3,304
	Mileham and King, Inc.	4,465
	Tedco Industries, Inc.	<u>16,609</u>
	Total	\$ 195,010
9008.4	Glass and Glazing Materials—Extension	
	<u>Awardees</u> Gardner Glass Products	\$ 36,505
	Glass Distributors, Inc.*	33,757
	Hawkins Glass Company	736
	Maryland Glass and Mirror Company	31,275
	Total Plastics, Inc.	<u>40,646</u>
	Total	\$ 142,919
9015.2	Ceiling Board and Grid System Materials	

	<u>Awardees</u>	
	B & B Concepts*	\$ 59,855
	Capitol Building Supply	<u>49,146</u>
	Total	\$ 109,001
9028.2	Tree Removal Service	
	<u>Awardees</u> (See Note 2)	
	Davey Tree Expert Company	
	Mead Tree and Turf Care, Inc.	
	Total	\$ 120,000
9133.1	Groceries and Disposables-Direct Delivery—Extension	
	<u>Awardee</u>	
	SYSCO Food Services of Baltimore	\$ 51,000
9528.1	Industrial and Technology Education Hand Tools	
	<u>Awardees</u>	
	Electronix Express	\$ 3,237
	Grainger, Inc.	2,911
	Paxton/Patterson	4,239
	Satco, Inc.	25,500
	Snap On Industrial	<u>235</u>
	Total	\$ 36,122
	TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000	\$3,158,815

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

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

Note 1: Includes detailed repair and construction tasks, specifications, and design services that have established unit prices.

Note 2: Contract amounts will be based on individual requirements.

RESOLUTION NO. 434-05 Re: **AWARD OF CONTRACTS – RICHARD MONTGOMERY HIGH SCHOOL**

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

Ms. Ervin, 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 awarded a contract for preconstruction services to Bovis Lend Lease (BLL) Incorporated; and

WHEREAS, BLL developed bid proposals for the project subcontract work and reviewed the architectural drawings for completeness and constructability; and

WHEREAS, The following low bids were received for subcontract work on August 9, 2005, for the specified trades:

<u>Low Bids</u>	<u>Amounts</u>
Auditorium Seating – T J Distributors, Inc.	\$ 107,900
Concrete – Dance Brothers, Inc.	5,531,600
Electrical – C. T. Electrical Corporation	7,445,000
Food Service Equipment – Commercial Appliance Contracts, Inc.	457,970

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; and

WHEREAS, Staff has negotiated a fee with BLL for the general conditions for construction, as well as construction management services spanning the thirty-eight month construction period; 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; and be it further

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the firm of Bovis Lend Lease, Incorporated, to provide general condition and construction management services for the Richard Montgomery High School replacement facility for the amount of \$5,900,000.

RESOLUTION NO. 435-05 Re: **LAKWOOD ELEMENTARY SCHOOL – DEED OF**

PUBLIC IMPROVEMENTS EASEMENT

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

WHEREAS, Montgomery County has requested a Deed of Public Improvements Easement at Lakewood Elementary School to provide road improvements along a portion of Glen Mill Road; and

WHEREAS, The easement is contained within 9,472 square feet of land and will be used for the purposes of installing a sidewalk and widening a portion of Glenn Mill Road; and

WHEREAS, Future maintenance will be undertaken by Montgomery County or its contractors at no cost to the Board of Education, with Montgomery County assuming liability for all damages or injury; and

WHEREAS, The Declaration of Public Improvements Easement will benefit the surrounding community by increasing pedestrian safety and will not affect any land that could be used for school programming or recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Deed of Public Improvements Easement to Montgomery County, creating an easement for the purposes of maintaining, operating, rehabilitating, or removing public improvements, including the installation of a sidewalk, contained within 9,472 square feet of land along a portion of Glen Mill Road along the frontage of Lakewood Elementary School.

RESOLUTION NO. 436-05 Re: **CARVER EDUCATIONAL SERVICES CENTER – REVERTIBLE GRANT OF STORM-WATER MANAGEMENT EASEMENT, STORM-WATER MANAGEMENT INSPECTION, AND MAINTENANCE AGREEMENT**

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

WHEREAS, On April 15, 2004, by Resolution No. 213-04, the Board of Education authorized execution of a License Agreement with Montgomery College for construction and operation of a parking lot at the Carver Educational Services Center (CESC); and

WHEREAS, As a part of the construction of the parking lot, the mayor and Council of Rockville (City) requested easements for storm-water management inspection and maintenance in connection with the installation of the parking lot at CESC as long as the improvements exist;

and

WHEREAS, The proposed easement grant is contained in a parcel containing 47,052 square feet of land on which Montgomery College will install and construct underground storm-water quality and quantity control structures as a part of the parking lot construction; and

WHEREAS, All construction and future maintenance will be undertaken by the college, with the City of Rockville being granted the right to inspect and maintain the storm-water structures should the college fail to do so; and

WHEREAS, This easement will automatically be extinguished upon the removal of the parking lot and termination of the License Agreement; and

WHEREAS, The proposed easement will not affect any land that is necessary for CESC parking; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a revertible storm-water management easement, storm-water management inspection, and maintenance agreement to the mayor and Council of Rockville granting inspection and maintenance rights on 47,052 square feet of land at the Carver Educational Services Center.

RESOLUTION NO. 437-05 Re: UTILIZATION OF THE FY 2006 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS

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

WHEREAS, The grant qualifies 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 project does 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 transfer 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:

Project

Amount

Individuals with Disabilities Education Act-Least Restrictive Environment	<u>\$ 50,000</u>
Total	<u>\$ 50,000</u>

and be it further

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

RESOLUTION NO. 438-05 Re: HUMAN RESOURCES MONTHLY REPORT

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 Board of Education approve the Human Resources Monthly Report dated August 25, 2005.

**RESOLUTION NO. 439-05 Re: DEATH OF JOAN E. FLACH, SPECIAL EDUCATION
PARAEDUCATOR AND TEACHER ASSISTANT, COL.
ZADOK MAGRUDER HIGH SCHOOL**

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

WHEREAS, The death on July 18, 2005, of Joan E. Flach, special education paraeducator and teacher assistant at Magruder High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mrs. Flach was a conscientious and extremely flexible employee who provided much-needed continuity for her students with disabilities; and

WHEREAS, In the 25 years that Mrs. Flach had been with Montgomery County Public Schools, her dependability and unique interaction with others made her a valuable asset to the school district; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Joan E. Flach and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mrs. Flach' s family.

RESOLUTION NO. 440-05 Re: DEATH OF HELENE P. ZEITLIN, SECONDARY

COUNSELOR, GAITHERSBURG MIDDLE SCHOOL

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

WHEREAS, The death on June 11, 2005, of Helene P. Zeitlin, secondary counselor at Gaithersburg Middle School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mrs. Zeitlin exhibited a high degree of professionalism and worked diligently to build rapport with her students; and

WHEREAS, Mrs. Zeitlin had been with Montgomery County Public Schools for almost six years, and she brought many support programs to Gaithersburg Middle School to meet the needs of the students and to support the staff; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Helene P. Zeitlin and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mrs. Zeitlin's family.

RESOLUTION NO. 441-05 Re: DEATH OF JOHNATHAN S. MYERS, BUS, OPERATOR II, DEPARTMENT OF TRANSPORTATION

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

WHEREAS, The death on June 29, 2005, of Johnathan S. Myers, bus operator II in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mr. Myers was a conscientious employee and took great pride in working with the students and staff; and

WHEREAS, In the 19 years that Mr. Myers had been with Montgomery County Public Schools, his dependability and good relationships with his fellow workers made him a valuable employee; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Johnathan S. Myers and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Myers' family.

RESOLUTION NO. 442-05 Re: **DEATH OF WAYNE D. CLARK, GENERAL MAINTENANCE CENTRAL SUPERVISOR, DIVISION OF MAINTENANCE**

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

WHEREAS, The death on July 6, 2005, of Wayne D. Clark, general maintenance central supervisor in the Division of Maintenance, has deeply saddened the staff and members of the Board of Education; and

WHEREAS, Mr. Clark was an exemplary performer who demonstrated an exceptional commitment to quality and excellence; and

WHEREAS, In the 36.4 years that Mr. Clark had been with Montgomery County Public Schools, his dependability and high degree of initiative with his fellow workers made him a valuable employee; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Wayne D. Clark and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Clark's family.

RESOLUTION NO. 443-05 Re: **DEATH OF T. ALAN NAGLE, CLASSROOM TEACHER, JOHN F. KENNEDY HIGH SCHOOL**

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

WHEREAS, The death on July 16, 2005, of T. Alan Nagle, classroom teacher at John F. Kennedy High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mr. Nagle displayed clarity to his students by making the big picture apparent and related previous knowledge to what was currently being learned; and

WHEREAS, In the three years that Mr. Nagle had been with Montgomery County Public

Schools, he interacted with all members of the school community and represented the school well when dealing with students, parents, and other members of the community; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of T. Alan Nagle and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Nagle's family.

RESOLUTION NO. 444-05 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 August 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
JoAnn Leleck	Acting Associate Superintendent, Curriculum and Instruction	Associate Superintendent, Curriculum and Instruction

RESOLUTION NO. 445-05 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 August 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Elizabeth Strubel	Principal, John T. Baker MS	Director of School Performance

RESOLUTION NO. 446-05 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 August 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Stephanie Williams	Regional Counsel for Mid-Atlantic	Supervisor, Policy and

Region, Aetna Health, Inc.

Records Unit

RESOLUTION NO. 447-05 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 August 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Virginia Lockhart	Instructional Specialist, Curriculum and Instruction	Coordinator, Special Initiatives

RESOLUTION NO. 448-05 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 August 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Angelo Orelli	Assistant Principal, RICA	Coordinator, Alternative Programs

RESOLUTION NO. 449-05 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 August 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Yolanda Speights	Acting Supervisor, Pupil Personnel Services	Supervisor, Pupil Personnel Services

RESOLUTION NO. 450-05 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 August 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
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Elton Stokes

Chief Architect, Office of Information
and Organizational SystemsCoordinator, Integrated
Quality Management
System

**Re: ORAL UPDATE ON READINESS FOR THE
OPENING OF SCHOOLS**

Dr. Weast commented that he had talked to staff as they are getting ready for the new school year. Staff appreciates the training provided by the Board to help close the performance gap. The SAT scores will be published soon, and there was a record number of children who took the test. This year, there will be more special education and ESOL children. Along with educational quality, this year's focus will be on civility and good behavior. One campaign is "Ride by the Rules," which stresses safety and politeness while on the school buses. To reinforce good behavior, there will be cameras in some buses some of the time.

Dr. Weast was impressed with the teachers and programs at the new middle school magnets. The arts community is providing additional resources for the A. Mario Loiederman Middle School. For every outside slot in the middle school magnet, there have been two applicants. Once again, there will be three budget forums to gather information and support for the upcoming budget. Furthermore, the system will continue to work on access to education and barriers to learning that are institutional.

Mr. Bowers reported that the school system has

1. Hired almost 1,000 teachers with remaining vacancies in special education and math.
2. Completed several school facility projects, including Somerset Elementary School, A. Mario Loiederman Middle School, Lakelands Park Middle School, Oak View Elementary School, Seneca Valley High School, Gaithersburg Elementary School, Rosemont Elementary School, South Lake Elementary School, John T. Baker Middle School, and 83 relocatable placements.
3. Delivered more than 7,000 computers for Tech Mod.
4. Hired 80 bus drivers.

Dr. Weast pointed out that the Board's legislative platform might consider the state's retirement program which is ranked 50th in the nation. When hiring employees, MCPS must compete with other jurisdictions that have better retirement benefits. Another issue is the highly qualified teacher; Maryland enforces a very rigorous standard while other jurisdictions have different regulations. These two issues are starting to affect the ability of the school system to hire teachers.

Mrs. O'Neill asked how the price of gasoline will affect MCPS. She reported that schools in

South Dakota have gone to a four-day week due to busing children great distances. Mr. Bowers explained that MCPS will have higher costs for fuel, heat, and utilities. There will be significant deficits which will be reported in November with recommendations for resolution.

Dr. Lacey stated that the system was working to

1. Meet all building administrators and stress collaboration.
2. Hire school-based administrators.
3. Decrease/eliminate combination classes.
4. Meet with principals and leadership teams of schools that did not meet adequate yearly progress (AYP).
5. Establish a steering committee to address disproportionate special education coding.
6. Register students for SAT prep classes at 13 sites.
7. Register students for evening high school.
8. Offer intensive reading programs in middle schools.
9. Increase least restrictive environment (LRE) for special education students.
10. Align Spanish-speaking counselors with Spanish-speaking students.
11. Focus on grading and reporting policy implementation.
12. Comply with state law regarding bullying.

Ms. Ervin asked how the approach to bullying will change. Dr. Lacey replied that the state law permits parents, students, and relatives of parents to complete a form reporting an incident of bullying. That form triggers an investigation and report. Furthermore, students can be suspended for bullying.

Mr. Porter said that MCPS has

1. Verified residence for students.
2. Identified homeless students to assure transportation.
3. Updated technology through refreshment and Tech Mod with 7,000 computers.
4. Established online training for ISM to support middle schools.
5. Trained 1,500 teachers and reading specialists around Reading 3D.
6. Continued assessment programs, such as MAP-R.
7. Trained staff on grading and reporting standards.
8. Involved 111 schools in Baldrige training.
9. Prepared 10,000 participants through professional development.

Dr. Haughey asked the superintendent to prepare a memo to the Board with the data/statistics regarding the readiness for the opening of schools.

RESOLUTION NO. 451-05 Re: CLOSED SESSION RESOLUTION

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Mr. Johnson, 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 Tuesday, September 13, 2005, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 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. 452-05 Re: REPORT OF CLOSED SESSION

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

On July 27, 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 27, 2005, from 6:05 to 8:00 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-2005-10, T-2005-11, T-2005-12, 2005-12, 2005-13, 2005-14, 2005-15, 2005-16, 2005-17, and 2005-20.
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-2005-13, T-

- 2005-14, T-2005-15, DCC-2005,16, NEC-2005-17, T-2005-19, NEC-2005-20, DCC-2005-21, T-2005-22, T-2005-23, T-2005-24, and DCC-2005-26.
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. Received 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 sessions were: Steve Abrams, Larry Bowers, Patrick Clancy, Sharon Cox, Brian Edwards, Valerie Ervin, Charles Haughey, Roland Ikheloa, Frieda Lacey, Jody Leleck, George Margolies, Susan Marks, Kevin Maxwell, Nancy Navarro, Pat O'Neill, Brian Porter, John Q. Porter, Gabe Romero, Glenda Rose, Jerry Weast, and Carey Wright.

RESOLUTION NO. 453-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2005-12, admission to program, reflective of the following vote: Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Ms. Ervin and Mr. Johnson were absent when this case was adjudicated.

RESOLUTION NO. 454-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2005-13, admission to program, reflective of the following vote: Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Ms. Ervin and Mr. Johnson were absent when this case was adjudicated.

RESOLUTION NO. 455-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2005-14, student expulsion, reflective of the following vote: Mr. Abrams, Ms. Cox, Dr. Haughey,

Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to reverse; Ms. Ervin and Mr. Johnson were absent when this case was adjudicated.

RESOLUTION NO. 456-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2005-15, early entrance to kindergarten, reflective of the following vote: Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Ms. Ervin and Mr. Johnson were absent when this case was adjudicated.

RESOLUTION NO. 457-05 Re: **APPEAL**

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

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

RESOLUTION NO. 458-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2005-17, teacher dismissal, reflective of the following vote: Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Ms. Ervin was absent when this case was adjudicated; Mr. Johnson does not have a vote in a negative personnel action.

RESOLUTION NO. 459-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal NEC-2005-27, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, and Mrs. O'Neill voting to affirm; Mr. Johnson voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 460-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Opinion in Appeal DCC-2005-28, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to affirm; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 461-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Opinion in Appeal DCC-2005-30, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to affirm; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 462-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Opinion in Appeal DCC-2005-31, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to affirm; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 463-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Opinion in Appeal T-2005-32, student transfer, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 464-05 Re: APPEAL

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

Resolved, That the Board of Education adopt its Opinion in Appeal T-2005-33, student transfer, reflective of the following vote: Ms. Ervin and Mrs. O'Neill voting to affirm; Mr. Abrams, Dr. Haughey, and Mr. Johnson voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated (failing to either affirm or reverse, the decision of the superintendent's designee by a majority of the full Board, the decision of the superintendent's designee will stand).

RESOLUTION NO. 465-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal NEC-2005-34, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 466-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal NEC-2005-35, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to affirm; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 467-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal NEC-2005-36, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 468-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal DCC-2005-38, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to affirm; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 469-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal NEC-2005-39, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to affirm; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 470-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal T-2005-43, student transfer, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 471-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal NEC-2005-42, student transfer, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 472-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal T-2005-45, student transfer, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to reverse; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 473-05 Re: **APPEAL**

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

Resolved, That the Board of Education adopt its Opinion in Appeal NEC-2005-47, student assignment, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. O'Neill voting to affirm; Ms. Cox, Mrs. Navarro, and Mr. Romero were absent when this case was adjudicated.

Re: **ITEMS OF INFORMATION**

The following information was available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-owned Business Procurement Report for the Fourth Quarter of FY 2005

RESOLUTION NO. 474-05 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of August 25, 2005, at 12:25 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

August 25, 2005

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