

APPROVED  
15-2007

Rockville, Maryland  
June 25, 2007

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, June 25, 2007, at 7:20 p.m.

Present: Mrs. Nancy Navarro, President  
in the Chair  
Mr. Steve Abrams  
Mr. Christopher Barclay  
Ms. Shirley Brandman  
Dr. Judy Docca  
Ms. Sarah Horvitz  
Mrs. Patricia O'Neill  
Dr. Jerry Weast, Secretary/Treasurer

Absent: Ms. Sharon Cox

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

RESOLUTION NO. 344-07 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Mrs. Navarro seconded by Ms. Brandman, the following resolution was adopted unanimously by member 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 June 25, 2007, in Room 120 from 6:30 to 7:00 p.m.; 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 discuss the Human Resources Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on June 25, 2007, to acquit its administrative 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 the meeting continue in closed session until the completion of business.

RESOLUTION NO. 345-07      Re:    **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for June 25, 2007.

RESOLUTION NO. 346-07      Re:    **RECOGNITION OF MCPS-UNIVERSITY PARTNERSHIPS**

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

WHEREAS, The Montgomery County Public Schools recognizes and celebrates the graduates of our higher education partnerships; and

WHEREAS, The Montgomery County Public Schools recognizes and celebrates the contributions of our higher education partners to the professional development of our supporting services and professional staff; and

WHEREAS, The Montgomery County Board of Education is proud that the Montgomery County Public Schools continues to partner with its local higher education institutions; now therefore be it

Resolved, That on behalf of the superintendent and staff of the Montgomery County Public Schools, the members of the Board of Education congratulate and recognize our higher education partners and their graduates for their contributions to the school system.

RESOLUTION NO. 347-07      Re:    **RECOGNITION OF VIETNAMESE SCHOLARS**

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

WHEREAS, The Maryland Vietnamese Mutual Association has recognized a significant number of Montgomery County Public Schools students for academic achievements and awarded one scholarship to a Montgomery County Public Schools student for outstanding academic achievement; and

WHEREAS, The Maryland Vietnamese Mutual Association promotes the educational, social, and economic advancement of the Vietnamese American community while serving all immigrant communities; and

WHEREAS, Montgomery County recognizes and celebrates the contributions of

Vietnamese American students to our county, our state, and our country; and

WHEREAS, The Board of Education is proud that Montgomery County Public Schools continues to recognize the achievements of Vietnamese American students; now therefore be it

Resolved, That on behalf of the superintendent, staff, students, and parents of the Montgomery County Public Schools, the members of the Board of Education congratulate the recipient of this year's Maryland Vietnamese Mutual Association academic scholarship award.

RESOLUTION NO. 348-07                      Re:    **RECOGNITION OF RIDERWOOD VILLAGE RETIREMENT COMMUNITY SCHOLARSHIP RECIPIENTS**

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

WHEREAS, The Riderwood Village Retirement Community has awarded a significant number of scholarships to Montgomery County Public Schools students for exemplary job performance that has enriched the lives of the residents of their community; and

WHEREAS, The Riderwood Village Retirement Community scholarship program is a tangible expression of the bond that forms between Riderwood's student employees and the residents that they serve; and

WHEREAS, The Riderwood Village Retirement Community scholarship program supports the post-secondary educational pursuits of its former student employees; and

WHEREAS, The Board of Education is proud that Montgomery County Public Schools students such as these scholarship recipients contribute so significantly to our larger community; now therefore be it

Resolved, That on behalf of the superintendent, staff, students, and parents of the Montgomery County Public Schools, the members of the Board of Education congratulate the recipients of the Riderwood Village Retirement Community scholarship awards.

Re:    **PUBLIC COMMENTS**

The following people testified before the Board of Education:

- |    | <u>Person</u> | <u>Topic</u>          |
|----|---------------|-----------------------|
| 1. | Airozo, David | Northwood High School |

2. Lisa Lowe Complaint from the Public Process
3. Debbie Murphy Hampshire Greens
4. Lisa Edgely Hampshire Greens
5. Darnell Daisey Hampshire Greens
6. Jesse Brande Hampshire Greens
7. Stuart Rochester Hampshire Greens
8. Anil Jain Hampshire Greens
9. Ethiopia Teferra Hampshire Greens
10. Tsion Berhane Hampshire Greens

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented on the 2007 Annual Report to the Community. The global theme of this publication emphasizes the Board of Education's mission and vision to provide a high-quality, world-class education for every child. The report focuses on the extraordinary accomplishments of students, administrators, teachers, and support staff during this past year. The publication is part of an ongoing effort to enhance communication with stakeholders and to obtain feedback from the community so that the school system can gauge the success of its outreach efforts and the quality of its programs and services. The *Annual Report to the Community*—including a feedback form—is being distributed to MCPS parents, employees, and community stakeholders.

Mrs. Navarro commented that Ms. Horvitz was attending her last business meeting. It was an honor and privilege to serve with her, and she did a good job in representing the students of Montgomery County.

Ms. Horvitz said she had a great year. She thanked the Board and Board staff for making it a memorable year.

Mrs. O'Neill stated that she represented the Board at the Maryland Association Boards of Education Summer Conference with the topic of "Window on the 21<sup>st</sup> Century." It was pointed out that school systems are not keeping up with technology with policies and procedures, such as cell phones. She was pleased after working very hard to change the law that middle school students can have cell phone for safety reasons, but the phones must be kept off during school hours.

\*\*Mrs. Navarro announced that Ms. Brandman had to leave the meeting due to a family emergency. If there were no objections, Mrs. Navarro proposed to delay the Hampshire Greens decision until the next Board meeting.

Dr. Docca noted that she was very opposed to cell phones in the schools, but the students have behaved very well with the use of cell phones. She attended the University of Maryland for an initiative on American Indian Education. She attended a meeting of Centro

Familia with a commencement for pre-kindergarten. She attended the Warren Historical Society in Poolesville which restores buildings.

Mr. Barclay commented that he attended the Urban Boards of Education Conference in New York City. The theme was hiring qualified principals and teachers. MCPS has been doing a great job of training principals and teachers, but it is important to continue making improvements, such as in recruitment.

RESOLUTION NO. 349-07      Re:    **CONTRACTS OF \$25,000 OR MORE**

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

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

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

NP-TFE

0405 Appliances—Extension

	<u>Awardee</u> Sears Contract Sales	\$ 50,000
4107.2	Fire Alarm Monitoring System—Extension	
	<u>Awardee</u> Ark Systems, Inc.	\$ 41,856
4166.1	Professional Development Management System—Extension	
	<u>Awardee</u> TrueNorthLogic	\$ 500,000
4184.1	Enterprise Resource Planning Software and Implementation Services	
	<u>Awardee</u> BearingPoint, Inc.	\$ 892,270
4205.1	Applicant Tracking and Recruiting and Implementation Services	
	<u>Awardee</u>	

	VURV Technology, Inc.	\$ 396,000
4210.1	Data Entry for Student Emergency Information	
	<u>Awardee</u> Sparks Personnel Services	\$ 168,000
4211.1	Fortis PowerWeb Server/View Station Software and Professional Services	
	<u>Awardee</u> Aztech DataSystems, Inc.	\$ 63,000
9113.3	Smoothie Beverages and Equipment	
	<u>Awardee</u> Ridgefield's Brand Corporation	\$ 225,232
9648.1	Kitchen Hood System Replacement at Various Locations**	
	<u>Awardee</u> Guardian Fire Protection Service	\$ 202,820
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$2,539,178

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

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

RESOLUTION NO. 350-07

Re: **AWARD OF CONTRACT—VENDING MACHINE SERVICES**

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

WHEREAS, Multiple vending machine firms were operating in the school system with contracts that had various commission rates and terms; and

WHEREAS, The selected vendor could provide energy-efficient machines, healthy vending choices, the ability to use our current point-of-sale system, detailed accounting of items sold, and the ability to have products in machines that meet the preferences of each school's community; and

WHEREAS, Royale Dining Services has agreed, effective FY 2008, to provide vending services for those schools with expired contracts, to absorb other school district vending operations as future contracts expire, and to pay a commission to the Montgomery County Public Schools; now therefore be it

Resolved, That the Board of Education appoint Royale Dining Services as the vending machine services provider for the service of all schools and offices in the Montgomery County Public Schools for commissions based on sales.

RESOLUTION NO. 351-07            Re:    **UTILITIES PROCUREMENT REPORT AND DELEGATION OF AUTHORITY FOR UTILITIES**

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

WHEREAS, Mr. Richard G. Hawes is retiring from the position of director, Department of Facilities Management, with his last work day on June 15, 2007; and

WHEREAS, Mr. Joseph J. Lavorgna is serving as acting director, Department of Facilities Management; and

WHEREAS, There is a very short duration for analyzing and accepting energy supply offers due to market volatility; and

WHEREAS, A limited delegation of authority is needed to execute energy supply purchases under the wholesale electricity procurement proposal given the very limited timeframe for analyzing and accepting energy supply offers; and

WHEREAS, A similar delegation of authority was approved by the Board of Education on February 23, 2004; February 14, 2006; and October 10, 2006; now therefore be it

Resolved, That the authority to commit the Montgomery County Public Schools to electricity or natural gas supply purchases be delegated to Mr. Larry A. Bowers, chief operating officer, Office of the Chief Operating Officer, or Mr. Joseph J. Lavorgna, acting director, Department of Facilities Management; and be it further

Resolved, That the delegation of authority is limited to the energy purchases through existing energy supply contracts and contracts awarded by this action, and is effective on the date of this resolution and expires on May 30, 2008; and be it further

Resolved, That periodic reports be submitted to the Board of Education on the energy rates procured under the delegation of authority.

RESOLUTION NO. 352-07

Re: **AWARD OF CONTRACTS—GALWAY  
ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, On September 14, 2006, the Board of Education authorized staff to utilize a construction management process for the Galway Elementary School modernization project and awarded a contract for preconstruction services to J. Vinton Schafer & Sons, Inc.; and

WHEREAS, The following low bids were received on May 31, 2007, from the listed subcontractors for the specified trades for the Galway Elementary School project:

<u>Low Bids</u>	<u>Amount</u>
Sitework—Ross Contracting, Inc.	\$2,379,800
Concrete—Sody Concrete Construction, Inc.	820,501
Masonry—George Moehrle Masonry, Inc.	1,307,000
Steel—Jarvis Steel & Lumber Company, Inc.	864,800
Carpentry—Homewood General Contractors, Inc.	788,000
Roofing—R. D. Bean, Inc.	485,700
Windows and Storefront—Engineered Construction Products, Ltd.	595,005
Drywall Acoustical—Finishes, Inc.	648,600
Casework—Steel Products, Inc.	276,543
Plumbing, Heating, Ventilation, Air Conditioning—Denver-Elek, Inc.	5,557,000
Electrical—Brandenburg Electric, Inc.	1,735,790

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/or other jurisdictions; now therefore be it

Resolved, That contracts be awarded to the above-mentioned subcontractors meeting specifications for the Galway Elementary School modernization project, for the amounts listed, in accordance with drawings and specifications prepared by Walton, Madden, Cooper, Robinson, Poness, Inc.

RESOLUTION NO. 353-07

Re: **AWARD OF CONTRACT—WALTER  
JOHNSON HIGH SCHOOL**



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

WHEREAS, On January 9, 2007, the Board of Education authorized staff to utilize a construction management process for the Walter Johnson High School modernization project and awarded a contract for preconstruction services to Henley Construction Company, Inc.; and

WHEREAS, The following sealed bids were received on May 23, 2007, from the listed subcontractors for structural steel for the Walter Johnson High School project:

<u>Bidder</u>	<u>Amount</u>
S. A. Halac Iron Works, Inc.	\$1,783,800
Champion Iron Works, Inc.	1,970,000

and

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

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

Resolved, That a \$1,783,800 contract be awarded to S. A. Halac Iron Works, Inc. for the Walter Johnson High School modernization project, in accordance with drawings and specifications prepared by Samaha Associates, P.C.

RESOLUTION NO. 354-07      Re:    **AWARD OF CONTRACT—IMPROVED ACCESS TO SCHOOLS**

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

WHEREAS, There are three Improved Access to Schools projects to be completed during the summer of 2007, two of which were approved by the Board of Education on June 12, 2007; and

WHEREAS, To complete the bidding process, the Department of Facilities Management has received the following proposals for the Jones Lane Elementary School Improved Access to Schools project from three contractors on bid with the Montgomery County Department of Transportation:

<u>Contractor</u>	<u>Amount</u>
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Francis O. Day Company, Inc.	\$351,895
Finley Asphalt & Sealing	352,711
Highway and Safety Services, Inc.	399,794

and

WHEREAS, Francis O. Day Company, Inc. has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a contract in the amount of \$351,895 be awarded to Francis O. Day Company, Inc. for the Jones Lane Elementary School Improved Access to Schools project, in accordance with drawings and specifications prepared by Macris, Hendricks & Glascock, P.A.

RESOLUTION NO. 355-07      Re:    **ARCHITECTURAL APPOINTMENTS—  
FEASIBILITY STUDIES FOR VARIOUS  
SCHOOLS**

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

WHEREAS, It is necessary to appoint architectural firms to provide professional and technical services to conduct design feasibility studies for various capital improvement projects; and

WHEREAS, Funds for this feasibility planning have been programmed as part of the FY 2007 Capital Budget; and

WHEREAS, Architect Selection Committees, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified the following architects as the most qualified firms to provide the necessary professional architectural and engineering services:

<u>School Project</u>	<u>Architectural Firm</u>	<u>Amount</u>
Cabin John Middle School Modernization	Samaha Associates, P.C.	\$50,000
Carl Sandburg Learning Center Modernization	Architecture, Inc.	37,618

and

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

Resolved, That the Montgomery County Board of Education enter into contractual agreements with the architectural firms identified above for the projects and amounts listed to provide design feasibility services.

RESOLUTION NO. 356-07            Re:    **LEASE RENEWALS FOR RELOCATABLE CLASSROOMS WITH MODSPACE**

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

WHEREAS, The original leases will expire on 102 relocatable classrooms owned by ModSpace (formerly known as GE Capital Modular Systems) on June 30, 2007; and

WHEREAS, There is a continuing need for 91 of the 102 units for the next school year, while 11 units have been identified for return to the vendor; and

WHEREAS, Staff has negotiated a one-year renewal cost for the 91 units that are still needed at an annual cost of \$398,730, or an average cost of \$4,381.65 per unit; now therefore be it

Resolved, That the Board of Education authorize the superintendent of schools to execute renewal leases with ModSpace for a total one-year cost of \$398,730.

RESOLUTION NO. 357-07            Re:    **LEASE RENEWALS FOR RELOCATABLE CLASSROOMS WITH VANGUARD MODULAR BUILDING SYSTEMS**

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

WHEREAS, The original leases will expire on 34 relocatable classrooms owned by Vanguard Modular Building Systems on June 30, 2007; and

WHEREAS, There is a continuing need for 28 of the 34 units for the next school year, while six units have been identified for return to the vendor; and

WHEREAS, Staff has negotiated a one-year renewal cost for the 28 units that are still needed at an annual cost of \$137,652, or an average cost of \$4,916.14 per unit; now therefore be it

Resolved, That the Board of Education authorize the Superintendent to execute renewal leases with Vanguard Modular Building Systems for a total one-year cost of \$137,652.

RESOLUTION NO. 358-07

Re: **UTILIZATION OF THE FY 2007 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Abrams, 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, 2006; and

WHEREAS, The project does not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2007 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 2007 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
Title II-D, Enhancing Education through Technology	\$ <u>1,056</u>
Total	\$ <u><u>1,056</u></u>

and be it further

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

RESOLUTION NO. 359-07

Re: **TUITION FOR NONRESIDENT STUDENTS**

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

WHEREAS, Board of Education Resolution No. 328-04 establishes the basis for nonresident tuition charges and provides that the per-student cost shall be based on the current year's estimated cost, including debt service; and

WHEREAS, The basis for the calculation of per-student cost for tuition purposes in FY 2008 is as follows:

<u>Description</u>	<u>Elementary</u>	<u>Secondary</u>	<u>Special Education</u>
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Projected FY 2008 Enrollment	55,972	69,166	9,095
<u>COST</u>			
Regular Operating Costs	\$723,981,531	\$883,349,195	\$246,137,817
Capital Budget Costs:			
Current Revenue	2,152,432	2,659,815	349,753
County Debt	45,745,240	56,528,537	7,433,234
<b>Total Cost</b>	<b>\$771,879,203</b>	<b>\$942,537,547</b>	<b>\$253,920,804</b>
Tuition Cost per Student			
Regular Operating Costs	12,935	12,772	27,064
Current Revenue	38	38	38
County Debt	817	817	817
<b>Total Tuition Cost Per Student</b>	<b>\$13,790</b>	<b>\$13,627</b>	<b>\$27,919</b>

and

WHEREAS, The basis for the calculation of tuition for full-day kindergarten is the same as for elementary school students in Grades 1–5; now therefore be it

Resolved, That the tuition rates for nonresident students for the 2007–2008 school year will be as follows:

Elementary (including kindergarten)	\$13,790
Secondary	13,627
Special Education	27,919*

\*Rate may change to reflect the cost requirements of implementing the IEP.

RESOLUTION NO. 360-07      Re:    **HUMAN RESOURCES APPOINTMENTS**

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

Resolved, That the following personnel appointment be approved effective July 1, 2007:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Laurie Bricker	Assistant Principal, Gaithersburg HS	Supervisor, Outdoor Education

Andrew Miller	Instructional Technology Specialist	Administrative Assistant, Organizational Development
Darryl Williams	Principal, Gaithersburg HS	Principal, Montgomery Blair HS
Cheryl Bunyan	Assistant Principal, Flower Principal, Greenwood ES Valley ES	
Judith Lewis	Associate Superintendent, Staff Development, PA	Principal, Wheaton Woods ES
Kevin Hobbs	Principal, Parkland MS	Principal, Watkins Mill HS
Carolyn Cobbs	Principal, Twinbrook ES	Principal, Col. E. Brooke Lee MS
Stephanie Curry	Principal Intern, Rolling Terrace ES	Principal, Clopper Mill ES
Donald Masline	Principal, Georgian Forest ES	Principal, Forest Knolls ES
Elaine Chang-Baxter	Executive Assistant, Deputy Superintendent	Principal, Garrett Park ES
Nicole Priestly	Acting Principal, Highland View ES	Principal, South Lake ES

Re: **MIDDLE SCHOOL BOUNDARY RECOMMENDATION FOR THE HAMPSHIRE GREENS COMMUNITY**

Postponed to next business meeting

Re: **ANNUAL GROWTH POLICY REVIEW—2007**

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

WHEREAS, A comprehensive review of the County Growth Policy has been conducted over the past several months and this review has included consideration of alternative approaches to the role of the Growth Policy as it pertains to schools; and

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy school test incorporates the use of the Montgomery County Public Schools program

capacity as a more appropriate measure of school adequacy that aligns with MCPS facility planning and capital programming; and

WHEREAS, By holding cluster program capacity constant for growth policy purposes every two years (with the exception of additional capacity opened through capital projects), concerns over the stability of this element of the school test can be addressed; and

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy school test establishes a school facilities payment in cases where schools are at, or over, 110-percent utilization, and creates a moratorium where schools are at, or over, 135-percent utilization; and

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy incorporates current costs for school construction; and

WHEREAS, The Montgomery County Planning Board supports dedication of all recordation tax revenue to MCPS capital projects; now therefore be it

Resolved, That the Board of Education support the use of MCPS program capacity as the basis for calculations used in the school test for imposition of the school facilities payment (at or over 110 percent) and imposition of moratorium (at or over 135 percent); and be it further

Resolved, That MCPS program capacity used in the school test be held constant, with the exception of additional capacity that opens due to capital projects, for the two-year period corresponding with biennial review of the growth policy; and be it further

Resolved, That the Board of Education support the concepts contained in the Montgomery County Planning Board's recommendation for the 2007 County Growth Policy as it pertains to schools, including the school test, and the three recommended revenue approaches—the school facilities payment, the school impact tax, and the recordation tax; and be it further

Resolved, That the Board of Education urge the County Council to conduct an economic analysis of the impact of increased rates for school facility payments, school impact taxes, and recordation taxes, on the cost of housing; and be it further

Resolved, That the Board of Education support the County Council in setting rates that will not escalate already high housing costs in the county and urge the County Council to find a balanced approach to funding MCPS Capital Budget needs; and be it further

Resolved, That the Board of Education support the Planning Board recommendation to have all revenue from the recordation tax dedicated to the MCPS Capital Improvements Program; and be it further

Resolved, That the Board of Education request the County Council to place the school facility payment revenue in the general fund, and not in separate funds that apply to the cluster where it is collected; and be it further

Resolved, That a copy of this resolution be forwarded to the County Council, the county executive, and the Planning Board; and be it further

Resolved, That a copy of this resolution be forwarded to mayors and councils of Montgomery County municipalities.

Re: **DISCUSSION**

Mr. Abrams inquired about the county's and school system's definition of capacity. Further, there should be another category for municipalities with their definition under their laws. He thought the county should assert primacy over the process.

Mrs. Navarro asked for the definition of affordable housing. The answer was a moderately priced dwelling unit or price-restricted unit. Mrs. Navarro wanted to know the percentage of affordable housing. Staff replied that the policy requires 12.5 percent of housing be moderately priced.

Mrs. O'Neill stated that there is no perfect growth policy. At one time, the county was borrowing capacity from one cluster to satisfy another cluster's capacity needs. Obviously, that did not solve the problems. She thought the new policy is a better solution, but it still does not address clusters in which is no place for development.

Mr. Abrams thought the county was not sensitive to revenue needs that are sustainable. The current administration is examining revenue on who pays for facilities that are required by the county.

Re: **A SUBSTITUTE MOTION FOR ANNUAL GROWTH POLICY REVIEW—2007**

On motion of Ms. Navarro and seconded by Mr. Abrams, the following substitute motion was placed on the table:

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy school test incorporates the use of the Montgomery County Public Schools' program capacity as a more appropriate measure of school adequacy that aligns with MCPS facility planning and capital programming; and



WHEREAS, By holding cluster program capacity constant for growth policy purposes every two years (with the exception of additional capacity opened through capital projects), concerns over the stability of this element of the school test can be addressed; and

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy school test establishes a school facilities payment in cases where schools are at, or over, 110-percent utilization, and creates a moratorium where schools are at, or over, 135-percent utilization; and

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy incorporates current costs for school construction; and supports dedication of all recordation tax revenue to MCPS capital projects; now therefore be it

Resolved, That while the Board of Education applauds the efforts of the Montgomery County Planning Board in exploring avenues for enhanced revenues as they pertain to MCPS infrastructure, the Board of Education urge the County Council to conduct a thorough economic analysis of the impact of increased rates for school facility payments, school impact taxes, and recordation taxes on the cost of housing in Montgomery County; and be it further

Resolved, That the Board of Education urge the County Council to ensure that in setting new rates it avoids the unduly harsh impact on housing affordability, which may have unintended consequences for the quality of life of the children in the affected communities; and be it further

Resolved, That the Board of Education support the use of MCPS program capacity as the basis for calculations used in the school test for imposition of the school facilities payment (at or over 110 percent) and imposition of moratorium (at or over 135 percent); and be it further

Resolved, That the Board of Education recommend that the MCPS program capacity used in the school test be held constant, with the exception of additional capacity that opens due to capital projects, for the two-year period corresponding with biennial review of the growth policy; and be it further

Resolved, That a copy of this resolution be forwarded to the County Council, the County executive, the Planning Board, and mayors and councils of Montgomery County municipalities.

Re: **DISCUSSION**

Mr. Abrams suggested and Mrs. Navarro accepted the following language for the second *Resolve*:

Resolved, That the Board of Education urge the County Council to be cognizant that in setting new rates they do not adversely impact housing affordability, which may have unintended consequences for the quality of life of the children in the affected communities; and be it further

Re: **DISCUSSION**

Mrs. O'Neill was concerned about taking out the *Resolve* that speaks to the general fund. The downcounty clusters are different from the upcounty clusters based on new large developments. The Board could move a geographic area that would not be in the cluster.

Mr. Abrams thought there was not a need for either since the impact tax will be site specific. Dr. Weast stated that he was concerned about modified choice throughout the county.

Mr. Abrams stated that the Board looks at these fees as school related. The costs will provide infrastructure, including transportation, water and sewer, and education. If the money is in the general fund, there needs to be some direction on how the money is spent. The Board would be better served with the education component on the impact of growth and how the funds are allocated.

Mrs. O'Neill suggested that there be a *Resolve* directing the funds to the Capital Improvements Program. Mr. Abrams thought that all impact growth fees should be committed in the areas where the growth is taking place, including schools, roads, and other facilities.

Re: **AN AMENDMENT TO THE SUBSTITUTE MOTION FOR ANNUAL GROWTH POLICY REVIEW—2007**

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

Resolved, That the Board of Education request the County Council to place the school facility payment revenue in the general fund and not in separate funds that apply to the cluster where it is collected.

RESOLUTION NO. 361-07

Re: **AN AMENDMENT TO THE SUBSTITUTE MOTION FOR ANNUAL GROWTH POLICY REVIEW—2007**

On motion of Mrs. O'Neill and seconded by Mr. Abrams, the following amendment was adopted unanimously by members present:

Resolved, That the Board of Education support the Planning Board recommendation to have all revenue from the recordation tax dedicated to the MCPS Capital Improvements Program; and be it further

RESOLUTION NO. 362-07            Re:    **A SUBSTITUTE MOTION FOR ANNUAL GROWTH POLICY REVIEW—2007**

On motion of Ms. Navarro and seconded by Mr. Abrams, the following substitute motion, as amended, was adopted unanimously by members present:

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy school test incorporates the use of the Montgomery County Public Schools' program capacity as a more appropriate measure of school adequacy that aligns with MCPS facility planning and capital programming; and

WHEREAS, By holding cluster program capacity constant for growth policy purposes every two years (with the exception of additional capacity opened through capital projects), concerns over the stability of this element of the school test can be addressed; and

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy school test establishes a school facilities payment in cases where schools are at, or over, 110-percent utilization, and creates a moratorium where schools are at, or over, 135-percent utilization; and

WHEREAS, The Montgomery County Planning Board's draft 2007 County Growth Policy incorporates current costs for school construction; and supports dedication of all recordation tax revenue to MCPS capital projects; now therefore be it

Resolved, That while the Board of Education applauds the efforts of the Montgomery County Planning Board in exploring avenues for enhanced revenues as they pertain to MCPS infrastructure, the Board of Education urges the County Council to conduct a thorough economic analysis of the impact of increased rates for school facility payments, school impact taxes, and recordation taxes on the cost of housing in Montgomery County; and be it further

Resolved, That the Board of Education urge the County Council to be cognizant that in setting new rates they do not adversely impact housing affordability, which may have unintended consequences for the quality of life of the children in the affected communities; and be it further

Resolved, That the Board of Education support the use of MCPS program capacity as the basis for calculations used in the school test for imposition of the school facilities payment (at or over 110 percent) and imposition of moratorium (at or over 135 percent); and be it further

Resolved, That the Board of Education recommend that the MCPS program capacity used in the school test be held constant, with the exception of additional capacity that opens due to capital projects, for the two-year period corresponding with biennial review of the growth policy; and be it further

Resolved, That the Board of Education support the Planning Board recommendation to have all revenue from the recordation tax dedicated to the MCPS Capital Improvements Program; and be it further

Resolved, That a copy of this resolution be forwarded to the County Council, the County executive, the Planning Board, and mayors and councils of Montgomery County municipalities.

RESOLUTION NO. 363-07                    Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mr. Barclay, 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, July 17, 2007, 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. 364-07                    Re:    **REPORT OF CLOSED SESSIONS**

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

On June 12, 2007, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on June 12, 2007, from 9:00 to 10:10 a.m. and 1:00 to 1:10 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): T-2007-6, T-2007-7, T-2007-8, 2007-14, 2007-15, and 2007-17.
2. 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*.
3. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
4. Discussed matters of an administrative 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, Christopher Barclay, Steve Bedford, Larry Bowers, Shirley Brandman, Patrick Clancy, Sharon Cox, Judy Docca, Brian Edwards, Marlene Hartzman, Ursula Hermann, Roland Ikheloa, Mark Kelsch, LaVerne Kimball, Suzann King, Don Kress, Frieda Lacey, Jody Leleck, Sherry Liebes, Susan Marks, Ben Moskowitz, Nancy Navarro, Patricia O'Neill, Brian Porter, Glenda Rose, Frank Stetson, Adrian Talley, and Jerry Weast.

On June 13, 2007, by unanimous vote of members present, the Board of Education voted to conduct a closed session 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 a closed session on June 13, 2007, from 7:30 to 9:30 p.m. in Room 114 and 120 of the Carver Educational Services Center, Rockville, Maryland, and considered Appeal 2006-22 in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were Steve Abrams, Christopher Barclay, Shirley Brandman, Eric Broussides, Patrick Clancy, Sharon Cox, Judy Docca, John Durfee and client, Suzann King, Nancy Navarro, Patricia O'Neill, and a court reporter.

RESOLUTION NO. 365-07      Re:    **APPEALS**

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

WHEREAS, The Board of Education has met in closed session, and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article*; now therefore be it

Resolved, That the Board of Education hereby decide the following appeals, reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
T-2007-11	Student Transfer	Affirmed
T-2007-12	Student Transfer	Affirmed
T-2007-13	Student Transfer	Affirmed
T-2007-15	Student Transfer	Affirmed
2006-22	Suspension Beyond 10 Days	Affirmed
2007-16	Expulsion in Abeyance	Affirmed
2007-19	Expulsion in Abeyance	Affirmed

RESOLUTION NO. 366-07

Re: **MONTGOMERY COUNTY COLLABORATION  
BOARD FOR CAREER AND TECHNOLOGY  
EDUCATION**

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

WHEREAS, On January 13, 2004, the Montgomery County Collaboration Board for Career and Technology Education was established by the Board of Education; and

WHEREAS, On January 20, 2004, the Montgomery County Collaboration Board for Career and Technology Education was established by the Montgomery College Board of Trustees; and

WHEREAS, The Montgomery County Collaboration Board for Career and Technology Education is comprised of a president, the nominees of the 11 Career Cluster Advisory Boards jointly appointed by Montgomery College and Montgomery County Public Schools, and one student member nominated by the president of Montgomery College and one student member nominated by the superintendent of schools; and

WHEREAS, The nominees of the Career Cluster Advisory Boards are its presidents, diverse in gender and ethnicity as a group, and all represent business/governmental agencies; and

WHEREAS, The membership of the Montgomery County Collaboration Board for Career and Technology Education, pursuant to the January 2004 resolutions that were revised and adopted in December 2006, is appointed jointly by the Board of Education and the Board of Trustees of Montgomery College; and

WHEREAS, The Board of Education and the Board of Trustees made appointments to the Montgomery County Collaboration Board for Career and Technology Education in July 2006, for a one-year term which expires this month; now therefore be it

Resolved, That the following individuals be appointed, subject to the concurrence of the Board of Trustees, to serve a one-year term effective July 1, 2007, and ending June 30, 2008:

Arts, Humanities, Media and Communications	Michael Subin
Biosciences, Health Science, and Medicine	Lisa McDonald
Business Management and Finance	Cathy Hickling
Construction and Development	Mark Drury
Education, Training, and Child Studies	Stewart Edelstein
Engineering, Scientific Research, and Manufacturing Technologies	Sanj Malushte and Jim Sturges
Human and Consumer Services, Hospitality and Tourism	Andy Chaves and Marshall Weston
Information Technology	James Collins
Law, Government, Public Safety, and Administration	TBD
Transportation, Distribution, and Logistics	Harold Redden
MCPS Student member	Massielle Begazo
MC student member	Tana Smith

and be it further

Resolved, That Thomas DeGonia (formerly president of the Law, Government, Public Safety, and Administration Cluster Advisory Board) shall continue as member and become the President of the Montgomery County Collaboration Board for Career and Technology Education for a term due to expire June 30, 2008.

**RESOLUTION NO. 367-07      Re:    FAMILY LIFE AND HUMAN DEVELOPMENT**

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

WHEREAS, By Resolution 389-05, approved July 27, 2005, the Board of Education reconstituted the Citizens Advisory Committee on Family Life and Human Development to serve in an advisory capacity only, pursuant to the Code of Maryland Regulations (COMAR) 13A.04.18.03.D(1) and to consult with professional educators within the Montgomery County Public Schools (MCPS) 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

WHEREAS, The terms of all current members of the Committee end on June 30, 2007; and

WHEREAS, The Board of Education desires to continue the current compositional requirements for the Committee by appointing to the Committee 15 members, all of whom must be bona fide residents of Montgomery County who did not serve on the Committee prior to July 27, 2005; including 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

Resolved, That the Citizens Advisory Committee on Family Life and Human Development shall be comprised of 15 members, all of whom must be bona fide residents of Montgomery County who did not serve on the Committee prior to July 27, 2005; including 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 the following individuals be appointed to serve terms ending June 30, 2009; except that the terms of the students hereby appointed shall expire as of June 30, 2008:

#### Organizations

Benjamin Elkind (student) representing the Montgomery County Region of the Maryland Association of Student Councils  
Tracy Fox representing Montgomery County Council of PTAs  
Ruth Jacobs representing Citizens for Responsible Curriculum  
James Kennedy representing TeachtheFacts.org  
Richelle Meer representing NARAL Pro-Choice Maryland  
Peter Sprigg representing Parents and Friends of Ex-Gays and Gays  
Emily Wurtz representing Parents, Families and Friends of Lesbians and Gays

#### Community at Large

Margaret Ellen Johnson (student)  
DeBora King  
Catherine Lane  
Isabelle Melese-d'Hospital  
Matthew Murguia  
Esther Pinder  
Carol Plotsky



Elinor Walker

and be it further

Resolved, That the following individuals are hereby designated as committee chair and vice chair, respectively:

Carol Plotsky as chair  
Elinor Walker as vice chair

RESOLUTION NO. 368-07 Re: **SPECIAL EDUCATION CONTINUOUS IMPROVEMENT TEAM ADVISORY COMMITTEE**

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

WHEREAS, The Board of Education recognizes its obligation to special education students and their families to exercise oversight of the delivery of special education programs and services and to establish appropriate policies and approve appropriate funding; and

WHEREAS, On December 9, 2003, pursuant to Policy BMA (*Board of Education Advisory Committees*), the Board of Education adopted Resolution 621-03 creating the Board of Education's Special Education Continuous Improvement Team Advisory Committee (SECIT), with the expected life of this ad hoc advisory committee not to extend beyond June 30, 2006, with the following three-fold charge:

To continue to identify measurable indicators, desired outcomes, and key performance benchmarks of special education program equity and effectiveness, predicated on systemwide and school-level data; to develop guidelines for the dissemination of these identified measures countywide, their fusion in all school improvement plans, and their use in monitoring the equity and effectiveness of the delivery of services at the local school level; and to identify and foster the use of best practices throughout the Department of Special Education; and

WHEREAS, On June 26, 2006, the Board extended the tenure of the advisory committee and its membership by one year, effective July 1, 2006, with the expected life of this ad hoc advisory committee not to extend beyond June 30, 2007; and

WHEREAS, Since its inception, SECIT has been working diligently, consistent with the Board's charge, reviewing special education programs, meeting with the Board's Ad Hoc Committee on Special Education, and working with Montgomery County Public Schools; and

WHEREAS, SECIT was instrumental in securing the production and publication of the *MCPS Special Education At A Glance* document, consistent with its charge of identifying key performance benchmarks; and

WHEREAS, SECIT is still working toward fulfilling its charge to ensure that these benchmarks are incorporated into all school improvement plans and used effectively to monitor the delivery of services; and

WHEREAS, The term of SECIT is set to expire on June 30, 2007; now therefore be it

Resolved, That pursuant to Policy BMA (*Board of Education Advisory Committees*), and consistent with Board Resolution 621-03, the Board extends the tenure of the Special Education Continuous Improvement Team Advisory Committee and its membership for an additional two years, with the Board reviewing the structure, composition, and tenure of this ad hoc advisory committee no later than June 30, 2009.

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 369-07 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of June 25, 2007, at 9:20 p.m.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SECRETARY

JDW:gr

Resolution	Abrams	Barclay	Brandman	Cox	Docca	Horvitz	Navarro	O'Neill
Annual Growth Policy Review—2007	A	A	O	O	A	O	A	A

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

**MONTGOMERY COUNTY BOARD OF EDUCATION  
SUMMARY SHEET**

June 25, 2007

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