APPROVED 26-2011

Rockville, Maryland October 11, 2011

The Board of Education of Montgomery County held a business meeting and closed session at the Carver Educational Services Center, Rockville, Maryland, on October 11, 2011, beginning at 9:06 a.m.

Present: Mr. Christopher Barclay, President

in the Chair

Ms. Laura Berthiaume Ms. Shirley Brandman

Dr. Judy Docca Mr. Philip Kauffman Mrs. Patricia O'Neill

Mr. Alan Xie

Dr. Joshua Starr, Secretary/Treasurer

Absent: Mr. Michael Durso

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

With a quorum present, the Board of Education met in open session at 9:06 a.m.

RESOLUTION NO. 468-11 Re: **RESOLUTION FOR CLOSED SESSIONS**

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

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

Resolved, That the Board of Education of Montgomery County (Board) conduct closed sessions on October 11, 2011, in Room 120 from 9:00 to 10:00 a.m. and 12:30 to 1:30 p.m.; and be it further

Resolved, That the superintendent of schools brief the Board on the Monthly Human Resources and Development Report and Equal Employment Opportunity Report, which is an administrative function outside the purview of the *Open Meetings Act* and, to the extent any individual employee is discussed, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

^{**} Mr. Xie joined the meeting at the time for lunch and closed session.

Resolved, That the Board receives legal advice as the Board adjudicates and reviews appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* and as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board receive a briefing by staff and discuss ongoing collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the State Government Article; and be it further

Resolved, That the meetings continue in closed sessions until the completion of business.

Re: **OPEN SESSION**

The Board of Education met in closed session from 9:07 to 9:37 a.m. The Board of Education reconvened in open session at 10:04 a.m.

To view specific sections or the entire meeting, please watch at http://www.montgomeryschoolsmd.org/boe/meetings/archive/2011/2011-1011.shtm

Re: PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

RESOLUTION NO. 469-11 Re: APPROVAL OF THE AGENDA

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

Resolved, That the Board of Education approve its agenda for October 11, 2011.

RESOLUTION NO. 470-11 Re: **AMERICAN INDIAN HERITAGE MONTH AND DAY**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Ms. Berthiaume, the following resolution was adopted unanimously by members present:

WHEREAS, The President of the United States has proclaimed "National American Indian Heritage Month" to be celebrated in November to recognize and celebrate the many accomplishments, contributions, and sacrifices of American Indians during our country's history; and

WHEREAS, American Indians are noted for their vital influence and rich legacy of caring for the people, the land, and the environment of our great nation; and

WHEREAS, American Indians have distinguished themselves as inventors, entrepreneurs, spiritual leaders, civil rights and political leaders, artists, and scholars; and

WHEREAS, The proud history of American Indians often is depicted in ceremonial dance, distinctive music, and interpretive storytelling; and

WHEREAS, American Indians have a vibrant culture and comprise a thriving presence that adds to the cultural mosaic of the Montgomery County community; now therefore be it

<u>Resolved</u>, That the Board of Education, the superintendent of schools, staff, students, and families of Montgomery County Public Schools hereby declare November to be observed as "American Indian Heritage Month;" and be it further

<u>Resolved</u>, That the Board of Education, the superintendent of schools, staff, students, and families of Montgomery County Public Schools hereby declare the day after Thanksgiving as American Indian Heritage Day.

RESOLUTION NO. 471-11 Re: MONTGOMERY COUNTY PUBLIC SCHOOLS CHARITY CAMPAIGN

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

WHEREAS, The needs of others have long motivated the generosity of the employees of Montgomery County Public Schools, who have contributed to charity campaigns organized in collaboration with the Montgomery County Government; and

WHEREAS, This year's charity campaign, "MCPS Cares," gives employees the option of contributing to four worthy charities—the Community Foundation for Montgomery County, the Montgomery Alliance for Community Giving, the Union Community Fund, and the United Way of the National Capital Area; and

WHEREAS, The employee representative organizations—the Montgomery County Association of Administrators and Principals, the Montgomery County Business and Operations Administrators, the Montgomery County Education Association, and the Service Employees International Union Local 500—along with Montgomery County Public Schools, have formed a partnership to provide employees with four organizations through which they can direct their charitable contributions; and

WHEREAS, Last year Montgomery County Public Schools employees contributed more than \$133,000 through the campaign, an especially generous response given the challenging economic times; and

WHEREAS, Montgomery County Public Schools has updated the "MCPS Cares"

website to make it easier for employees to find information about our charity partners and to donate online; now therefore be it

Resolved, That the period of October 24 through November 23, 2011, is hereby designated by the Board of Education of Montgomery County as the period for participation in the Montgomery County Public Schools Charity Campaign; and be it further

<u>Resolved</u>, That all employees of Montgomery County Public Schools are encouraged to demonstrate their continuing charity by donating to this campaign as a reflection of their commitment to addressing the needs of those less fortunate.

RESOLUTION NO. 472-11 Re: NATIONAL SCHOOL BUS SAFETY WEEK

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

WHEREAS, The week of October 17–21, 2011, has been designated as National School Bus Safety Week; and

WHEREAS, The members of the Board of Education and the superintendent of schools implemented a *Ride by the Rules* campaign to ensure each student has a safe, pleasant, and secure ride to and from school; and

WHEREAS, The standards of conduct on the school bus are as important to student success as they are in the classroom; and

WHEREAS, Each student riding a school bus should have a safe and secure environment that sets a positive tone for the day to foster a high level of learning and success; now therefore be it

Resolved, That the Board of Education proclaims the week of October 17–21, 2011, as National School Bus Safety Week; and be it further

Resolved, That the Board of Education commits its continued support for the *Ride by the Rules* campaign during National School Bus Safety Week.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

Person Topic

1. James Pekar Bethesda-Chevy Chase Middle School #2
2. Chris Lloyd School Data
3. Teddy Springer Bethesda-Chevy Chase Middle School #2

4. Jack Singer5. Sandy LandsmanFlora Singer School NamingFlora Singer School Naming

Re: **BOARD/SUPERINTENDENT COMMENTS**

All Board members commented on the value of the recent Maryland Association of Boards of Education (MABE) Conference that provided professional development with updates on educational developments, current state law, school budgets, career and technical education, ethics laws, bullying in schools, Race to the Top, waiver process for NCLB, maintenance of effort statute, school construction, pension passback, Black and Hispanic Caucus, and exchange with other jurisdictions about their concerns and solutions. Dr. Docca was elected to the Board of Directors and Ms. Brandman was elected secretary.

Dr. Starr commented that

- All MCPS fifth graders attend classical music concerts at Strathmore Music Center.
- MCPS graduation rate remains strong and outperforms the state.
- Twenty-eight seniors are semifinalists for the National Achievement Scholarships.
- Six MCPS high schools named among nationals best for math and science education.

Re: UPDATE ON ENROLLMENT AND CAPITAL IMPROVEMENTS PROGRAM

Montgomery County Public Schools enrollment is estimated to increase this year by approximately 2,500 students. Since 2007, total enrollment has increased by more than 8,600 students. The large enrollment increases are impacting elementary schools the most. Unfortunately, the elementary school level is where the school system has the most capacity shortages. Of the 350 relocatable classrooms at schools, 315 are at elementary schools. In addition, in many parts of the county, significant increases in middle and high school enrollments are beginning to occur. An ambitious effort is needed to address a wide range of current and projected capacity shortages.

The update on enrollment and the Capital Improvements Program provided an overview of demographic trends and the planning issues as a result of these trends. The upcoming Fiscal Year 2013–18 Capital Improvements Program will contain Dr. Starr's recommendations for the coming six years and will be released on October 28, 2011.

For the full discussion, please watch at

http://www.montgomeryschoolsmd.org/boe/meetings/archive/2011/2011-1011.shtm

Re: PRESENTATION OF FACILITIES
ASSESSMENT WITH CRITERIA AND
TESTING REPORT (SCHOOL
MODERNIZATIONS)

Beginning in spring 2010, the Facilities Assessment with Criteria and Testing (FACT) Committee, comprising stakeholders from inside and outside Montgomery County Public Schools (MCPS), participated in the development of an updated assessment methodology to rank schools for modernization. The process, conducted in March and April 2010, led to development of a list of school characteristics, termed "FACT assessment parameters," that should be assessed when a school is being evaluated for future modernization.

Following a public review period and a recommendation by the superintendent of schools in support of the committee report, the Board of Education adopted the FACT assessment parameters at its meeting on July 8, 2010. The Board of Education also approved a list of 53 MCPS facilities to be assessed. Subsequently, the FACT Review Committee reconvened in August and September 2010 to develop the scoring and weighting approach for the areas to be assessed in the facilities. The Board of Education was briefed on the scoring system at its meeting on December 7, 2010.

Following completion of the FACT methodology and scoring system, consultants from EMG, Inc. assessed the 53 facilities and completed their work in June 2011. The FACT Review Committee reconvened to review the results of the FACT assessments and to provide input to the report. In addition, the report was distributed to the principals and Parent Teacher Association presidents of all the assessed schools, the cluster coordinators, the Montgomery County Council of Parent Teacher Association president, and the Capital Improvements chair for a period of public comment from July 22 through September 16, 2011.

The presentation of the FACT Report included an overview of the process of school assessments, the resulting school scores, and comments received during the public comment period.

Re: **DISCUSSION**

The Board members brought up the following issues:

- In the July FACT discussion, the Board offered a directive to staff regarding the special education centers and a FACT assessment for modernization as an option.
- The Board's direction was not just an assessment, but the conversation was to convene a multi-stakeholder group to determine the educational purposes of these facilities.
- Once the FACT scores are available, will those schools be placed in a queue of their own or placed in the total queue for modernization?
- There is a requirement to review the programmatic structure of the centers in conjunction with the facility needs.

 The Board asked for the FACT assessment to determine the condition of the centers and provide a trigger for a feasibility study and proposed CIP recommendation.

The superintendent will provide the Board with a recommendation for modernization of special education facilities at the November 2, 2011, Board meeting.

Re: LUNCH AND CLOSED SESSION

Mr. Xie joined the Board of Education and met for lunch at 1:00 p.m. and closed session from 1:21 to 2:05 p.m. in Room 120. After a seven-minute break, the Board reconvened in open session at 2:12 p.m.

RESOLUTION NO. 473-11 Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

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

GS-35F- Information Technology Equipment, Software, and Services 4543G

Awardee

DLT Solutions \$160,000

PCR-265-07 Heating Oil—Extension

<u>Awardee</u>

Isobunkers, LLC \$122,000

T-31-044 Canned and Processed Food

Awardee

Peterson Farm Fresh, Inc. \$175,000

XX07-911 Poster Printer and Supplies—Extension 731-69A

Awardee

Audio Visual Innovations \$60,000

165-97	Food Service Integrated Software—Extension	
	Awardee School Link Technologies	\$116,500
1013	Montgomery County Solid Waste Disposal Fee	
	Awardee Montgomery County Office of Finance	\$500,000
58606.1	Inspection and Cleaning Kitchen Hoods/Exhaust Systems-	-Extension**
	Awardee Total Kitchen Care	\$ 60,000
79710.1	Scan Track Scanning Program	
	Awardee Sidus Group, LLC	\$ 60,000
9362000 014AA	CESC Electrical Main Replacement**	
014701	Awardee Electric Advantage, Inc.	\$200,000
4047.6	Flooring Materials—Extension	
	Awardees Capitol Building Supply Continental Flooring Company Total	\$ 11,762 <u>16,245</u> \$28,007
4081.8	Art Equipment	
	Awardees AFP Industries, Inc.* Chesapeake Ceramic Supply, Inc. Dick Blick Company Douron, Inc.* Glover Equipment, Inc. Midwest Technology Products* Pyramid Paper Company Quill Corporation Sheffield Pottery, Inc. Total	\$ 1,915 7,430 4,657 8,542 51,293 40,120 8,285 1,165 37,138 \$160,545

4243.1	Visitor Management System Upgrade	
	Awardee EasyLobby, Inc.	\$ 41,150
4253.1	Unicenter Service Desk Licensing—Extension	
	Awardee Computer Associates	\$ 88,200
4274.1	Lawson Consulting and Maintenance	
	Awardees Lawson Consulting and Maintenance	\$60,000
4295.1	Educational Services—Extension	
	Awardee Potomac Ridge Hospital	\$ 35,000
4319.1	Data Center Maintenance and Monitoring	
	Awardee Lee Technologies, Inc.	\$ 96,838
7050.9	Photographic Equipment and Supplies	
	Awardees B&H Photo Video Pro Audio, Inc. Penn Camera Exchange, Inc. Service Photo Supply, Inc. Video Service of America, VSA, Inc. W.B. Hunt Company, Inc. Total	\$ 1,826 26,180 27,294 1,213 110,287 \$166,800
7205.2	Interactive White Board Services	
	Awardee Clinton Learning Solutions, LLC	\$125,000
9063.10	Football Supplies and Equipment—Extension	
	Awardees Cannon Sports, Inc.*	\$ 5,430

	Gilman Gear* Hat World, Inc. Marlow Sports, Inc.* Riddell Rogers Athletic Company Sports Stop, Inc. Sports Supply dba Dixie Sporting Goods Total	:	8,330 18,250 28,185 80,757 3,630 8,003 15,428 \$168,013
9114.11	Canned Fruits and Vegetables		
	Awardees Calfed Financial Corporation dba Red Gold, LLC Foodpro Corporation H. Schrier & Company, Inc. Novi Industries, Inc. Wholesale Liquidations dba Benjamin Food Total	;	\$ 46,468 7,837 35,473 42,625 <u>8,546</u> \$140,949
9318.6	Public Address System Replacements at Various Locations	s—l	Extension**
	Awardee TI Garden & Assoc./Life Safety Solutions	\$	50,000
9398.2	Retaining Walls and Stormwater Management Modification	s**	
	Awardee Walker Willis/T/A Custom Masonry	\$	250,000
9426.1	Vehicle Oil Changing Services—Extension		
	Awardee The Lube Center	\$	27,000
9515.6	Middle School Athletic Shirts		
	Awardee The Incentive Mall*	\$	45,801
9715.1	Emergency Roof Repair at Sherwood High School**		
	Awardee Orndorff & Spaid, Inc.	\$	103,276
TOTAL PRO	CUREMENT CONTRACTS OVER \$25,000	\$3	3,040,079

- Denotes Minority-, Female-, or Disabled-owned Business
- Planned Life-cycle Asset Replacement Bid (PLAR)

RESOLUTION NO. 474-11 Re: AWARD OF CONTRACT—WELLER ROAD **ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, On February 17, 2010, the Board of Education authorized staff in the Department of Facilities Management to utilize a construction management process for the Weller Road Elementary School modernization project and awarded a contract for preconstruction services to Keller Construction Management, LLC; and

WHEREAS, The following low bids were received on September 13, 2011, for the Weller Road Elementary School modernization project:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Site Work—Urban N. Zink Contracting, Inc. 3A-Concrete—Chevy Chase Contractors, LLC 4A-Masonry—Robert W. Sheckles, Inc. 5A-Metals—Strait Steel, Inc. 7C-Roofing—R.D. Bean, Inc. 8C-Windows/Glazing—Spear Window & Glass, Inc. 9A-Framing/Drywall—Mine Branch Interior Finishes, Inc. 9D-Flooring—CB Flooring, LLC 11D-Food Service Equipment—11400, Inc. 12A-Casework—Paragon Casework, Inc. 15A-Fire Protection—Kennedy Fire Protection, LLC 15B-Plumbing, HVAC & Geothermal—Towson Mechanical, Inc. 16A-Electrical—Altimate Electric, Inc.	\$2,597,950 1,001,900 3,139,600 1,867,000 1,518,965 693,700 426,299 227,275 128,000 455,200 170,100 4,336,000 1,860,200
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and

WHEREAS, On September 12, 2011, Keller Construction Management, LLC received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS. Bids were received as add alternates for the inclusion of a school-based health center, Linkages to Learning suite, and a day-care center as part of the modernization project to be funded by the Montgomery County Department of Health and Human Services; and

WHEREAS, Montgomery County Public Schools is the Montgomery County Department of Health and Human Services' representative, and the Department of Facilities Management will administer their portion of the project; and

WHEREAS, Detailed information on other bid proposals are available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Keller Construction Management, LLC as part of a guaranteed price agreement to complete the Weller Road Elementary School modernization project; and

WHEREAS, Staff in the Department of Facilities Management has negotiated and recommends approval of a guaranteed price contract with Keller Construction Management, LLC for the completion of the Weller Road Elementary School modernization project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Keller Construction Management, LLC has agreed to accept the assignment of the Weller Road Elementary School trade contracts awarded on October 11, 2011, and complete the project for the guaranteed price; and

WHEREAS, The aggregate goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 10 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 15.20 percent Maryland Department of Transportation-certified, of which .40 percent is African American-owned, 5.75 percent is women-owned, and 9.05 percent is other minority-owned; now therefore be it

<u>Resolved</u>, That the following trade contract packages be awarded to the low bidders for the construction of the Weller Road Elementary School modernization:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Site Work—Urban N. Zink Contracting, Inc.	\$2,597,950
3A-Concrete—Chevy Chase Contractors, LLC	1,001,900
4A-Masonry—Robert W. Sheckles, Inc.	3,139,600
5A-Metals—Strait Steel, Inc.	1,867,000
7C-Roofing—R.D. Bean, Inc.	1,518,965
8C-Windows/Glazing—Spear Window & Glass, Inc.	693,700
9A-Framing/Drywall—Mine Branch Interior Finishes, Inc.	426,299
9D-Flooring—CB Flooring, LLC	227,275
11D-Food Service Equipment—11400, Inc.	128,000

12A-Casework—Paragon Casework, Inc.	455,200
15A-Fire Protection—Kennedy Fire Protection, LLC	170,100
15B-Plumbing, HVAC & Geothermal—Towson Mechanical, Inc.	4,336,000
16A-Electrical—Altimate Electric, Inc.	1,860,200

and be it further

Resolved, That the trade contracts awarded for the Weller Road Elementary School modernization project be assigned to Keller Construction Management, LLC; and be it further

Resolved, That a contract in the amount of \$22,478,464, to include the assignment of the trade contract awards, be awarded to Keller Construction Management, LLC for the Weller Road Elementary School modernization project, in accordance with drawings and specifications prepared by Delmar Architects, P.A.; and be it further

Resolved, That a copy of the contract be forwarded to the Montgomery County Department of Health and Human Services for approval and funding for their portion of the project.

RESOLUTION NO. 475-11 Re: GLENALLAN ELEMENTARY SCHOOL—
GRANT OF EASEMENT AND RIGHT-OFWAY

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Glenallan Elementary School, located at 12520 Heurich Road in Silver Spring; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,820 square feet, is needed for the installation of a water main, meter vault, and appurtenances as a part of the school modernization project; and

WHEREAS, The Board of Education will assume responsibility for the initial expense and liability of damages or injury resulting from the installation as a part of the school construction project; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the expense and liability for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities; now therefore be it

<u>Resolved</u>, That the president of the Board of Education and the superintendent of schools be authorized to execute a permanent grant of easement and right-of-way of 1,820 square feet to the Washington Suburban Sanitary Commission at Glenallan Elementary School.

RESOLUTION NO. 476-11 Re: **UTILIZATION OF THE FY 2012 PROVISION FOR FUTURE SUPPORTED PROJECTS**

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

WHEREAS, The above-noted grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 17-150, approved May 26, 2011; and

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

WHEREAS, Sufficient appropriation is available within the Fiscal Year 2012 Provision for Future Supported Projects to permit the above-noted transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized by the Montgomery County Board of Education to receive and expend \$698,046 within the Fiscal Year 2012 Provision for Future Supported Projects, as specified below:

Project	Positions*	Amount
Education for Homeless Children and Youth Program		\$ 83,000
Individuals with Disabilities Education Act (IDEA)—Least Restrictive Environment		59,968
Individuals with Disabilities Education Act (IDEA)—Alternate Maryland School Assessment		30,090
Judith B. Hoyer (Judy) Center—Silver Spring	1.5	202,988
Judith B. Hoyer (Judy) Center—Gaithersburg	<u>1.5</u>	322,000
Total	3.0	\$ 698,046

Positions*

- 2.0 program managers
 - .5 secretary
 - .5 parent community coordinator

and be it further

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

RESOLUTION NO. 477-11 Re: **OFFICE OF HUMAN RESOURCES AND DEVELOPMENT MONTHLY REPORT**

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

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

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

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

Re: DISCUSSION ON THE COMPREHENSIVE MASTER PLAN

Concerning the Comprehensive Master Plan, the Board noted that on -

- Page 8 What is Level Literacy Intervention?
- Page 16 Change the language to reflect that MCPS will <u>begin</u> to align the process in high schools with the Common Core Standards.
- Page 77 Ms. Berthiaume asked for a report to the Board of the total number of hours of professional development by staff last year that were devoted explicitly to learning about understanding and teaching gifted and talented students, as well as a similar compilation of professional development hours devoted explicitly to special needs students.
- Page 77 Mr. Kauffman asked for a list of middle schools and to identify for each whether they offered honors or Gifted and Talented English, science, or social studies.
- Page 83 Does the success of the home-school model refer to the whole school?
- Page 88 Is the AYP grant renewable that is targeted to middle schools?
- Page 96 Is MCPS proceeding with the proposed career lattice?
- Page 109 Teachers new to MCPS receive mentors.

RESOLUTION NO. 478-11 Re: FINAL APPROVAL OF THE COMPREHENSIVE MASTER PLAN

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

WHEREAS, The Maryland General Assembly enacted Senate Bill 865, *The Bridge to Excellence in Public Schools Act of 2002*, on April 4, 2002, and on May 6, 2002, Governor Parris N. Glendening signed the Act into law; and

WHEREAS, The Act requires local school systems to submit annual updates of their five-year Comprehensive Master Plan to the Maryland State Department of Education by October 15 of each year to include prior year revenues and expenditures with the annual update; and

WHEREAS, On July 25, 2011, the Board of Education approved *Our Call to Action: Pursuit of Excellence*—the strategic plan for Montgomery County Public Schools 2011–2016; and

WHEREAS, The strategic plan for Montgomery County Public Schools contains goals and strategies to promote academic excellence among all students and to eliminate performance gaps based on race, ethnicity, gender, socioeconomic status, language proficiency, or disability; and

WHEREAS, The strategic plan for Montgomery County Public Schools incorporates and imbeds the five goals of the *No Child Left Behind Act of 2001* and the six focus areas of the *Bridge to Excellence in Public Schools Act of 2002*; and

WHEREAS, The strategic plan is the cornerstone of Montgomery County Public Schools' Comprehensive Master Plan; and

WHEREAS, Montgomery County Public Schools' update on the *Bridge to Excellence in Public Schools Act of 2002*—Comprehensive Master Plan fulfills all of the required components, including strategies and supporting documentation; now therefore be it

Resolved, That the Board of Education approve Part I and Part II of Montgomery County Public Schools *Bridge to Excellence in Public Schools Act of 2002*—Comprehensive Master Plan for 2011; and be it further

Resolved, That Montgomery County Public Schools' staff submits the Comprehensive Master Plan to the Maryland State Department of Education on or before October 14, 2011, as required by the *Bridge to Excellence in Public Schools Act of 2002.*

Re: DISCUSSION ON WORLD LANGUAGES CURRICULUM FRAMEWORK

Ms. Berthiaume moved the following clarifying amendments to the final *resolve* which was subsequently withdrawn:

Resolved, That the Montgomery County Board of Education grants final approval of the Montgomery County Public Schools World Languages Curriculum Framework as the foundation for developing and disseminating NON-IMMERSION curriculum, instruction, assessment, AS WELL AS and professional development resources

in an online learning community.

Ms. Berthiaume withdrew the motion but asked that the minutes reflect the framework is not the basis for language immersion since immersion is an entirely different system for language acquisition.

RESOLUTION NO. 479-11 Re: **FINAL ACTION OF WORLD LANGUAGES CURRICULUM FRAMEWORK**

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

WHEREAS, On February 13, 2001, the Montgomery County Board of Education approved a curriculum policy that guides the development, implementation, and monitoring of curricula throughout the school system; and

WHEREAS, A draft curriculum framework was developed for world languages; and

WHEREAS, The draft curriculum framework was shared with stakeholder groups; and

WHEREAS, Feedback and input from stakeholders have been used to develop and refine the World Languages Curriculum Framework; now therefore be it

<u>Resolved</u>, That the Montgomery County Board of Education grants final approval of the Montgomery County Public Schools World Languages Curriculum Framework as the foundation for developing and disseminating curriculum, instruction, assessment, and professional development resources in an online learning community.

Re:

RESOLUTION NO. 480-11

FINAL ACTION, POLICY ACG, ACCESS TO SERVICES, PROGRAMS, AND ACTIVITIES BY INDIVIDUALS WITH DISABILITIES AND RESCISSION OF POLICY GBH, EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

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

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

WHEREAS, Policy ACG, Access to Services, Programs, and Activities by Individuals

with Disabilities, incorporates relevant provisions of Policy GBH, Employment of Individuals with Disabilities, but the title does not reflect that incorporation; and

WHEREAS, The draft revision of Policy ACG, Access to Services, Programs, and Activities by Individuals with Disabilities, tentatively was adopted by the Montgomery County Board of Education on May 10, 2011, and sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received no comments with regard to the Board of Education Policy Committee's recommendations; now therefore be it

Resolved, That the Montgomery County Board of Education rename Policy ACG to "Access to Employment, Services, Programs, and Activities by Individuals with Disabilities", and be it further

Resolved, That the Montgomery County Board of Education adopt Policy ACG, Access to Employment, Services, Programs, and Activities by Individuals with Disabilities, as updated in the attached committee recommended draft; and be it further

Resolved, That Policy GBH, Employment of Individuals with Disabilities, be rescinded.

Access to Employment, Services, Programs, and Activities by Individuals with Disabilities

A. PURPOSE

- 1. To provide a clear and comprehensive mandate for the prohibition and elimination of any unlawful discrimination against individuals with disabilities.
- 2. To affirm a strong commitment to the goals of the *Americans With Disabilities Act Amendments Act of 2008 (ADAAA)*, as well as other applicable laws as they relate to employees, job applicants, and access to the school system's facilities and services by members of the public with disabilities. This policy is to be construed to comport with the ADAAA and its implementing regulations including 28 CFR 35-137 Mobility Devices.
- 3. To affirm to the citizens of the county, to staff of Montgomery County Public Schools (MCPS), and to students that MCPS is committed to the participation of such individuals in the life and work of the schools in accordance with applicable laws.
- 4. To affirm that present policies and regulations will be administered to ensure that the rights of individuals with disabilities will be upheld in MCPS, consistent with the long-standing interest on the part of the

Montgomery County Board of Education (Board) and MCPS in prohibiting discrimination against and in promoting affirmative action in employment and reassignment for individuals with disabilities.

- To affirm that MCPS will not discriminate on the basis of disability against any qualified individual with a disability with respect to participating in or benefiting from MCPS services.
- 6. To declare that MCPS will not deny, on the basis of disability, a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards or committees.

B. ISSUE

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

C. POSITION

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

D. DESIRED OUTCOMES

All qualified individuals with disabilities will be able to access MCPS services, programs, and activities and be provided reasonable accommodations or modifications to ensure participation, so long as the accommodations or modifications do not present an undue hardship or a fundamental alteration of the service, program or activity, or present a direct threat to the individual or others.

- 2. All qualified job applicants, including individuals with disabilities who are seeking employment with MCPS will have equal employment opportunities.
- 3. Individuals with disabilities who are job applicants or employees, if requested, may receive reasonable accommodations.

E. IMPLEMENTATION STRATEGIES

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

F. REVIEW AND REPORTING

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

RESOLUTION NO. 481-11 Re: **TENTATIVE ACTION, POLICY KGC, CHILD CARE**

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

WHEREAS, Policy KGC, *Child Care*, affirms the importance of high quality child care and education settings for all children of Montgomery County and establishes the scope of Montgomery County Public Schools' role in partnering with the child care community in addressing child care needs; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to update Policy KGC, *Child Care*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy KGC, *Child Care*; and be it further

Resolved, That Policy KGC, Child Care, be sent out for public comment.

Child Care

A. PURPOSE

To affirm the importance of high quality child care and education settings for all children of Montgomery County

To establish the scope of Montgomery County Public Schools' (MCPS) role in partnering with the child care community in addressing child care needs

B. ISSUE

High quality child care supports, enriches, and enhances the educational experience of MCPS students. Early childhood experiences, from birth through the first five years of life, in the home, child care setting, MCPS, and the community are critical in forming the foundation for students' school readiness and future success as lifelong learners. Further, throughout their school careers, many school-aged children and their families require safe, affordable, and high quality child care that contributes to the healthy growth and social and emotional development of school-aged children.

C. POSITION

The Montgomery County Board of Education (Board) affirms the importance of efforts to increase the availability of high quality child care that supports, enriches, and enhances the educational experiences of MCPS students. The Board supports efforts to expand child care within the limits of available resources.

1. Facilities

MCPS will continue to consider the availability of suitable facilities for community child care as it utilizes and modernizes the existing facilities and plans future school sites, as follows:

- a) Continue to include child care programs in plans for future schools upon request to the county executive and with the approval of funds budgeted specifically for that purpose by the county government.
- b) Identify potential sites, both at operating and future school sites, for the placement of structures for use by high quality child care programs where feasible.

- c) Identify and contract out the use of space within school facilities by high quality child care programs that best support the MCPS educational program under the following terms, as appropriate:
 - (1) Shared use, provided such use does not adversely impact the MCPS instructional program, or
 - (2) Joint occupancy under the provisions of the Board's Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities.*

2. Collaboration

- a) MCPS participates in coordinated efforts with principals, parentteacher associations, child care providers, and state and local agencies, including the Montgomery County Commission on Child Care, to advocate for child care that meets the needs of Montgomery County students and families.
- b) MCPS shares the school system's expertise to assist child care providers to increase the availability of high quality child care that meets the diverse needs of children. Sharing expertise with providers may include, but is not limited to, linking providers and families with needed community services and providing advice and referrals regarding licensing, accreditation, credentials, or professional development resources.
- b) MCPS contributes, as appropriate, published student population projections and other relevant published data or research findings to child care providers and other community members engaged in planning processes for child care services.
- d) MCPS stays informed on and advocates for, as appropriate, federal, state, and local legislative or executive initiatives impacting child care and school readiness.
- e) MCPS may enter into partnerships with community agencies providing child care that directly benefit MCPS students, parents, and the MCPS educational program.
- f) MCPS may provide direct services, including, but not limited to, transportation, food services, or professional development as specified and funded in partnership or collaborative agreements with child care programs.

D. REVIEW AND REPORTING

- 1. The Board will receive updates on the planned efforts and/or ongoing issues concerning child care in Montgomery County as appropriate.
- 2. This policy will be reviewed in accordance with the Board policy review process.

RESOLUTION NO. 482-11 Re: **TENTATIVE ACTION, POLICY ECM, JOINT OCCUPANCY OF MCPS FACILITIES**

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

WHEREAS, Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*, sets forth the criteria for joint occupancy of Montgomery County Public Schools facilities; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to update Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*; and be it further

Resolved, That Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*, be sent out for public comment.

Joint Occupancy of Montgomery County Public Schools (MCPS) Facilities

A. PURPOSE

To permit and set forth the criteria for joint occupancy of Montgomery County Public Schools (MCPS) facilities

B. ISSUE

Surplus space in MCPS facilities is identified when a school's projected enrollment is less than 80 percent of the school's rated capacity or when surplus space in a non-operating school facility is not needed for MCPS purposes. The Montgomery County Board of Education (Board) permits joint occupancy of its facilities by eligible users to offset to the extent feasible and practical the cost of maintaining surplus space.

C. POSITION

- 1. Joint occupancy is defined as the lease of surplus space in a Board owned property to a non-MCPS user exclusively for his/her use.
- 2. Joint occupancy is distinguished from shared space, which is space shared with MCPS for that part of a day when it is not needed for MCPS educational programs. The Interagency Coordinating Board is responsible for locating the users of shared space.
- 3. The superintendent of schools shall actively seek joint occupants who support, enrich, and enhance the educational experience of MCPS students, their families, or MCPS staff.
- 4. In order to best meet the needs of children and to ensure prudent utilization of resources, the superintendent of schools will incorporate input from the school community into the decision-making process for selection of joint occupants for available spaces in operating schools.
- 5. Criteria for Identification of Available Space
 - a) The space is projected to be surplus for at least two years.
 - b) Joint occupancy arrangements that expand building capacity through the use of relocatable units or modular construction may be negotiated if site conditions allow.
 - c) For joint occupancy agreements in operating schools,
 - (1) No operating school will be permitted to house a nonpublic school serving parallel school grades K-12 in joint occupancy spaces.
 - (2) The projected student enrollment at the school is below 80 percent of the MCPS rated student capacity. This criterion may be waived with input from the principal.
 - (3) The space is located in a portion or section of the building which can be easily isolated from the educational program, preferably near a restroom and separate entrance.
- 6. When MCPS facilities are not fully utilized for student enrollment, MCPS staff functions, or other MCPS programs, space may be leased to non-MCPS users in operating schools or non-operating schools, as follows:
 - a) Priority users for space in operating schools

- (1) County programs that benefit MCPS students, their families, or staff
- (2) Child care providers in compliance with Maryland licensing requirements who support, enrich, or enhance the educational experiences of current and prospective MCPS students, their families, or staff with preference given to child care programs that operate in partnership with MCPS
- (3) Community programs that enrich or enhance the learning experiences of children or provide needed services to children and families
- (4) Other purposes for government agencies
- b) Priority users for space in non-operating schools
 - County programs that benefit MCPS students, their families, or staff
 - (2) Nonpublic schools and/or child care providers in compliance with Maryland licensing requirements who support, enrich, or enhance the educational experiences of children
 - (3) Community programs that enrich or enhance the learning experiences of children or provide needed services to children, families, or the community
 - (4) Other purposes for government agencies
 - (5) Private enterprise
- 7. In those cases where two or more candidates for the same space within the same priority category are equally desired, the space will be provided to the candidate who best meets the needs of the school community as determined by the Board.
- 8. Cost to User Group

MCPS establishes a per square foot rental rate each fiscal year to be applied to joint occupancy leases in order to recover operating costs. The income received from joint occupancy leases will be received as revenue recorded in a separate enterprise fund, the Real Estate Management Fund.

D. IMPLEMENTATION STRATEGIES

The superintendent of schools is authorized to negotiate fees for the use of surplus schools.

E. REVIEW AND REPORTING

- 1. The superintendent of schools shall require ongoing monitoring reports to be maintained on fee schedules and the use of the surplus space.
- 2. This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **DISCUSSION**

Regarding Policy ECM, the following suggestions were made:

- The Policy Committee will invite legal counsel to its meeting for the final review of the policy to discuss the purposes for which MCPS property may be used, whether the policy should refer to facilities and/or vacant land, and whether there should be time limits on leases.
- Staff will provide a crosswalk between the policy and regulation for the Policy Committee and the Board.

RESOLUTION NO. 483-11 Re: CLOSED SESSION RESOLUTION

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

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

<u>Resolved</u>, That the Board of Education of Montgomery County conduct a closed session on Monday, October 24, 2011, in Room 120 of the Carver Educational Services Center to meet from 5:30 to 6:00 p.m.; and be it further

Resolved, That the Board of Education anticipates that the closed session will include a discussion of personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; the review and adjudication of appeals in its quasi-judicial capacity; consultation with counsel to obtain legal advice on those appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*; a discussion of matters of an administrative function outside the purview of the *Open Meetings Act* (Section 10-502(b) of the *State Government Article*); and the Board will publish a more detailed Resolution for Closed Session when particular topics for discussion are indentified; and be it further

<u>Resolved</u>, That this meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 484-11 Re: **REPORT OF CLOSED SESSION**

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

On September 26, 2011, the Board of Education voted unanimously by members present to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* Section 10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on September 26, 2011, from 5:02 to 6:30 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and:

- 1. Received legal advice on appeals and adjudicated the following appeals involving student transfers, early admission to kindergarten, consortium placements, and highly gifted centers: T-2011-50, T-2011-52, 2011-35, 2011-38, 2011-39, and 2011-40, as permitted under Section 10-508(a)(7) of the *State Government Article* and in its quasi-judicial capacity outside the purview of the *Open Meetings Act*, with a subsequent vote in open session.
- Conducted administrative functions (received selection for presenters for the Distinguished Service Awards and discussed Board participation in National School Board Association's Conference), which are outside the purview of the Open Meetings Act and as permitted under Section 10-503(a)(1)(i) of the State Government Article.
- 3. Received advice on legal issues related to implementation of the Board's decision regarding Community Montessori Public Charter School, as permitted under Section 10-508(a)(7) of the *State Government Article*.
- 4. Received legal advice on pending litigation and Maryland State Board of Education appeal concerning the Brickyard property, as permitted under Section 10-508(a)(7) and (8) of the *State Government Article*.

In attendance at the 5:02 p.m. closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Phil Kauffman, Patricia O'Neill, Suzann King, Glenda Rose, Laura Steinberg, Patrick Clancy, and Kristen Koger. At 5:41 p.m., Ms. Koger left the meeting and the following staff and counsel joined the meeting: Judy Bresler, Brian Edwards, Frieda Lacey, Joshua Starr, Dana Tofig, and Lori-Christina Webb. At 6:03 p.m., Mr. Clancy left the meeting. At 6:25 p.m., Ms. Bresler left the meeting.

RESOLUTION NO. 485-11 Re: MINUTES

On recommendation of the superintendent and on motion of Ms. Brandman seconded

by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

<u>Resolved</u>, That the Board of Education approve the minutes from its August 24 and September 13, 2011, meetings.

RESOLUTION NO. 486-11 Re: APPEALS

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(a) of the *State Government Article* of the *Annotated Code of Maryland*; now therefore be it

<u>Resolved</u>, That the Board of Education hereby decides the following appeals reflective of the Board members' votes in closed session, the dispositions of which will be recorded in the minutes of today's meeting:

Appeal Number	<u>Type</u>	<u>Disposition</u>
T-2011-34	Student Transfer	Affirmed
2011-41	Early Entrance to Kindergarten	Affirmed

Re: **COMMITTEE UPDATES**

Regarding the Committee on Special Populations, Ms. Brandman reported that the committee had a presentation on the Maryland State Department of Education's state performance indicators for early intervention and updates on the Special Education Advisory Committee, secondary learning centers, and the Office of Legislative Oversight's Autism Report.

Regarding the Policy Committee, Mrs. O'Neill stated that the committee is in the process of revising the Ethics Policy and will review the charter school process at its next meeting.

Re: **NEW BUSINESS**

There were no new business items.

Re: **ITEMS OF INFORMATION**

The following documents were available:

- 1. Legal Fees Report
- 2. Construction Progress Report

RESOLUTION NO. 487-11 Re: ADJOURNMENT

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of October 11, 2011, at 3:47 p.m.

PRESIDENT	
SECRETARY	

JDW:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Kauffman	O'Neill	Xie
Comprehensive Master Plan	Α	Α	Α	Α	0	Α	Α	Α
World Languages	Α	Α	Α	Α	0	Α	Α	Α
Curriculum Framework								
Policy ACG (final approval)	Α	Α	Α	Α	0	Α	Α	Α
Policy KGC (tentative)	Α	Α	Α	Α	0	Α	Α	Α
Policy ECM (tentative)	Α	Α	Α	Α	0	Α	Α	Α

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