

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

May 9, 2019

REVISED

MEMORANDUM

To: Members of the Board of Education

From: Jack R. Smith, Superintendent of Schools

Subject: Resolution for Today's Closed Session

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article*, Section 4-107(d), and *General Provisions Article*, Section 3-305(b) et seq., 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 conduct a closed session on May 9, 2019, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 10:00 a.m. to approximately 12:00 p.m., in order to discuss and consider:

- a. Various administrative matters outside the purview of the *Open Meetings Act*, which shall be summarized in the Report of Previous Closed Session;
- b. The Board's strategy, positions, and parameters concerning collective bargaining negotiations, permitted by *General Provisions Article*, Section 3-305(b)(9), and to receive legal advice in connection therewith, permitted by *General Provisions Article*, Section 3-305(b)(7), which discussions must remain confidential to protect the negotiation strategy of the Board and to protect and maintain attorney-client privilege; moreover, to the extent that these matters are discussed in the context of Fiscal Year 2020 Operating Budget Strategy, and how such matters may impact the formulation of the budget, they are administrative matters outside of the purview of the *Open Meetings Act*;
- c. Receive a briefing regarding Montgomery County Public Schools' protocols for personnel investigations, including but not limited to those investigated by law enforcement and other agencies, which is an administrative function and outside the purview of the *Open Meetings Act*, as well as receive legal advice concerning those

protocols, which advice must be shared in closed session to prevent disclosure of the Board's legal position or strategy in ongoing litigation, as well as collective bargaining; to prevent disclosures that may negatively impact the Board's position with regard to a pending litigation; to maintain confidentiality of personnel matters, which may not be disclosed publicly pursuant to state law; to maintain confidentiality with regard to the current status of ongoing litigation, which advice must be shared in closed session to preserve attorney-client privilege and is permissible pursuant to *General Provisions Article*, Sections 3-305(b)(1), 3-305(b)(7), 3-305(b)(8), 3-305(b)(9), 3-305(b)(12), and 3-305(b)(13), and to the extent any individual employee or pending litigation is discussed, as permitted under Sections 3-305(b)(1), 3-305(b)(7), and 3-305(b)(8) of the *General Provisions Article*, and be it further

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

JRS:vvd