

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

February 6, 2020

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 of Montgomery County conduct a closed session on February 6, 2020, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 11:30 a.m. to approximately 2:30 p.m., in order to discuss and consider:

- a. 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 2021 Operating Budget and Fiscal Year 2021 Capital 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*;
- b. Legal advice regarding criminal proceedings, investigations of potential criminal conduct, and potential and pending civil litigation concerning an incident at Damascus High School and information from staff about these proceedings and investigation, which advice must be shared in closed session to prevent disclosure of the Board's legal position or strategy in potential and ongoing litigation; to prevent disclosures that may negatively impact the Board's position with regard to a pending litigation; to maintain confidentiality of student records and personnel matters, which may not be disclosed publicly pursuant to state and federal law; and to maintain

confidentiality with regard to the current status of ongoing and potential 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)(12), and 3-305(b)(13);

- c. Personnel matters, including the appointment, employment, assignment, promotion, discipline, compensation, resignation and/or performance evaluation of possible future appointees or current employees, and any matters related to and stemming from the discussion that is likewise permissible under *General Provisions Article*, Section 3-305(b)(1), which must take place in closed session to allow Board members to discuss the qualifications of the candidates in a candid manner, protect the privacy of the confidential, personal information of the individuals discussed, and/or to prevent any harm to the reputation of any individuals discussed; and be it further

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

JRS:vvd