

APPROVED  
14-2001

Rockville, Maryland  
April 3, 2001

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, April 3, 2001 at 1:30 p.m.

ROLL CALL Present:                        Mrs. Nancy J. King, President  
    in the Chair  
    Mr. Stephen Abrams  
    Mr. Kermit V. Burnett  
    Ms. Sharon Cox  
    Mr. Reginald M. Felton  
    Mr. Walter Lange  
    Mrs. Patricia B. O'Neill  
    Mr. Christopher Lloyd, Student Board Member  
    Dr. Jerry Weast, Secretary/Treasurer

Absent:            None

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

RESOLUTION NO. 185-01            Re:    **CLOSED SESSION**

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

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 a conduct portion of its closed session on April 3, 2001, in Room 120 from 12:00 to 1:30 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education consult with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on April 3, 2001, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

Resolved, That these portions of the meeting continue in closed session until the

completion of business.

RESOLUTION NO. 186-01      Re:    **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for April 3, 2001.

RESOLUTION NO. 187-01      Re:    **MONTH OF THE YOUNG CHILD**

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

WHEREAS, the future begins for children during the first five years of life; and

WHEREAS, early experiences in the home, child care setting, school, and the community have a lifelong impact on a child; and

WHEREAS, Montgomery County Public Schools kindergarten data show the achievement gap begins before students start kindergarten; and

WHEREAS, Montgomery County recognizes that every county resident has a stake in the healthy growth, development, and education of all young children; and

WHEREAS, Montgomery County is implementing a collaborative, community-wide early childhood initiative to ensure that programs and services for young children and their families have a measurable, positive difference in children's well-being; and help young children prepare for school; now therefore let it be

Resolved, That the month of April 2001 be proclaimed Month of the Young Child in Montgomery County.

RESOLUTION NO. 188-01      Re:    **SECRETARIES WEEK**

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

WHEREAS, Secretaries' Week will be celebrated nationally the week of April 22 -28,2001; and

WHEREAS, The Board of Education wishes to recognize publicly the competence and

dedication of its staff of secretarial and clerical employees and express its appreciation for their efforts in the effective, courteous, and efficient operation of the Montgomery County Public Schools; and

WHEREAS, The Board of Education thanks its secretarial staff for their contributions to excellence in education; now therefore be it

Resolved, That Secretaries' Week be observed by the school system during the week of April 28, 2001; and be it further

Resolved, That Wednesday, April 25, 2001, be designated as Secretaries' Day for the Montgomery County Public Schools.

Re: **2001 HISPANIC HERITAGE AWARDS**

The Board of Education honored the Washington, D.C. region recipients of the 2001 Hispanic Heritage Youth Awards that were presented on March 27 at the Swissotel in Washington, D.C. The students' names and schools are: Cristina Bernardo – Academic Excellence (James Hubert Blake High School); Jerome Bourgeois – Mathematics (John F. Kennedy High School); Jessica Brioso – Science & Technology (John F. Kennedy High School); Rose Eisenbeiss – Sports (Montgomery Blair High School); Jonathan Hurtarte The Arts (Thomas S. Wootton High School); and Pedro Jarquin – Literature & Journalism (Springbrook High School).

Re: **ITEMS OF LEGISLATION (ORAL REPORT)**

Ms. Lori Rogovin, legislative aide, reported the progress on the following bills before the General Assembly:

**HB 518, Collective Bargaining** – The authority of the State Labor Relations Board would be limited to deciding union election disputes, and all other collective bargaining issues to stay with the State Board of Education. The permissive category remains, though the State Board would decide what is permissive. Permissive category would include any item agreed to by both the local board and the union except issues pertaining exclusively to student class size, student calendar, student school day, and student placement. All other issues could become permissive (teacher assignments, teacher evaluations, teacher calendar, curriculum, etc). The amendments do not address the Livers issue, bargaining rights for part-time employees, and bargaining rights for Eastern Shore support personnel.

Re: **DISCUSSION**

Ms. Cox noted that during the discussion at the Maryland Association of Board of

Education (MABE) Legislative Education Committee meeting, the point was made that the exclusions relate to student class size, student calendar, and student school day. In negotiations regarding class size in other jurisdictions, teachers would get extra money for classes over a maximum. Also, calendars have to be coordinated with parent and student needs, which would be problematic with negotiations. She was disappointed that the leadership of MCPS's employee organization said parents wanted teachers to speak for them at the negotiation table; however, the PTA opposed the bill. If curriculum becomes a permissive category, the community/parents will not have input.

Mr. Abrams added that one of onerous features of the bill is the reversal of the *Livers* decision; the implications are staggering in terms of cost and time to a school system. Due process rights in employment are well structured and broad in this system, and this bill is not the most propitious use of time and/or fiscal resources.

Re: **ITEMS OF LEGISLATION**

**HB 791 and SB 124, Education – Public Schools – Firearms Accident Prevention Program** – SB 124 has passed the Senate; an amended HB 791 passed the Ways and Means Committee. HB 791, as amended, requires the State Board to write the gun safety education guidelines for K-12. Local school systems would decide which program to use (several are mentioned in the bill, including the NRA Eddie Eagle Program) or whether to develop their own program. Children in kindergarten through Grade 6 would be taught about firearm safety and accident prevention, but would be prohibited from being exposed to guns. Students in grades 7-12 would have the option of learning about firearms safety or hunting safety, depending on what the local school system chooses. In the hunting safety classes, students would be allowed to handle a rifle, shotgun or other firearm, but only at an established shooting range. The House bill also takes out language in the Senate version of the bill, calling for the program to be taught as part of the health curriculum.

RESOLUTION NO. 189-01      Re: **ITEM OF LEGISLATION**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following resolution was adopted unanimously:

Resolved, That the Board of Education oppose HB 791 and SB 124, Education – Public Schools – Firearms Accident Prevention Program, as amended.

Re: **ITEMS OF LEGISLATION**

Ms. Lori Rogovin, Legislative Aide, reported on the following legislation:

**SB 604, Public Charter School Act of 2001** – This bill passed the Senate. The Board did not review this bill, but as amended, the bill has some similarities to HB 29, which the Board supported. The State Board can decide to create a charter school with local money and the State Board can decide to add chartering authority.

**HB 282/SB 281, Hearing Aid Loan Bank Program – Establishment and Operation** – House and Senate passed their respective bills

**HB 434, Education – School Library Funds** – The House bill passed. The Board supported this bill, which would make middle and high schools eligible for this funding.

**HB 775/SB 399, Education – Creation of a Task Force to Study Adult Education Services in Maryland** – House and Senate have passed their respective bills (supported by the Board).

**SB 713, Arrest of a Student – Transfer to Another School System – Notification** – The bill passed the Senate. The Board supported this bill, which would allow a local superintendent to share information with another school system about a child who has been arrested for certain offenses.

**HB 67, Juvenile Law – Prohibition against Possession of Portable Pagers on School Property – Repeal** – The bill passed in the House. This bill repeals a prohibition against the possession of portable pagers on public school property; states the intent of the General Assembly that local education agencies, working with the State Department of Education, develop local policies regarding the use of pagers and cellular telephones on public school property during school hours; and declares it is not the intent of the General Assembly to encourage with the enactment of the Act the use of pagers and cellular telephones on public school property during school hours. HB 835, the local bill, has stalled in the House Judiciary Committee

**HB 557, Education – Admission of Students to Kindergarten – Age Requirements** – No action has been taken.

**SB 438, Elementary and Secondary Education – Procurement – Competition** – The bill passed in the Senate, is pending in House. This bill would require county boards of education to draft specifications encouraging maximum competition in public school procurement contracts exceeding \$15,000 when advertising is required and would prohibit specifications favoring a single prospective bidder, with the exception of specification of brand-name products for heating and cooling products or electrical systems.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mrs. King commended the entire Board for attending the County Council's work session supporting the Capital Improvements Program (CIP). She announced that April was Autism Awareness Month.

Mr. Lloyd reported that he attended the Maryland Association of Student Councils convention. More than 1,000 students and teachers attended, and the theme was "A Leadership Odyssey." The state superintendent and the president of the State Board of Education were speakers.

Mr. Abrams reported that comments were made at the County Council about the economic forecast and the contention between the CIP and the Operating Budget for funding. Regarding the community's expectations for long- and short-term school renovations, Mr. Abrams thought the school system should start a dialogue in order not to lose the quantitative edge in Montgomery County. The CIP has constraints because of bonding authority, uncertainty of state funds, and the political will to change the economic climate. The school system should look for ways to maintain the quality of construction/renovation and facilities management programs to expand the utilization of existing facilities.

Mrs. O'Neill remarked about the new educational partnership between MCPS and the United Kingdom's International Education Organization, which brings British teachers to Montgomery County this month to promote the sharing of best practices in education. The teachers will visit for two weeks, including four days in the schools, to work and share skills and resources with their American peers. Activities may include work shadowing, team and individual teaching, and attending professional workshops and meetings. At the end of the period, the British and American teachers will develop practical methods for continuing their professional communication. Also, she had attended a community meeting at Bethesda-Chevy Chase High School, and the parents are upset about the delay of the construction project. The Board understood the parents' frustration, and it is concerned about having the delay affect other renovations. Mrs. O'Neill asked for the number of students attending high schools on an out-of-area, tuition basis.

Ms. Cox thanked the state delegation for insuring the IAC allocation of \$14.6 million with the Council's support.

Mr. Felton reported on the Board's participation in the State Regional Meeting of the State Board of Education and State Superintendent. It was an opportunity to discuss key issues affecting educational programs. Also, the Board has a letter from the superintendent regarding the proposed changes to the procurement and bidding process. This is a giant step forward to ensure a clarification of the process and a registry for small businesses and vendors throughout the community. Furthermore, Mr. Felton acknowledged the eight twelfth-grade students who were among the 600 winners of National Achievement Scholarships for outstanding African-American students.

Dr. Weast recognized Leon F. Busche, social studies resource teacher at Quince Orchard High School, for receiving a 2001 Agnes Meyer Outstanding Teacher Award from *The Washington Post*. He was nominated by the Quince Orchard High School Parents, Teachers and Students Association, and was among 20 winners of the prestigious award, presented annually to one teacher from each Washington metropolitan area school district. He has spent his entire career as a social studies teacher, beginning in 1967. Barbara Friedlander, special education resource teacher at Georgian Forest Elementary School, won an award as an exemplary special education teacher. Patricia Ostrum, computer teacher at North Chevy Chase Elementary School, was named Computer Educator of the Year in Maryland. Dr. Williams, Mr. Bowers, and Dr. Weast will attend the Pew Forum on High Standards Contract Project at Harvard University. They will participate with MCEA on a collaboration to bring a school district together, increase student achievement, efficiency and effectiveness.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Alan Schwartz	Naming of Schools
2.	Ann McDermott	Montgomery Hills Property
3.	Diane Kupelian	Transportation Audit
4.	Neal Bobys	Rock Terrace School
5.	Tracey Vormack	Naming of Schools
6.	Joe Pauley	School Safety

RESOLUTION NO. 190-01

Re: **PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

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

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 be awarded to the low bidders meeting specifications shown for the bids as follows:

MC1507      Unleaded Gasoline  
000113

Awardee

Truman Arnold Companies

\$ 275,000

220-99	Re-Roofing of Modular Classroom Buildings – Extension	
	<u>Awardee</u>	
	J.E. Wood & Sons Company, Inc.	\$ 105,960
1083.1	Professional Services – Extension	
	<u>Awardees</u>	
	April Consulting, LLC*	
	Chesapeake Computer Engineering, Inc.*	
	Compuware	
	Mason Dixon Consulting & Services, Inc.	
	Metro Technical Consulting, LLC	
	Peace Technology, Inc.*	
	Qualex Consulting Services, Inc.	
	Total	\$ 350,000
1125.1	Internet Service Provider	
	<u>Awardee</u>	
	Verio	\$ 156,000
1130.1	After School Activities for Certain Students Enrolled in Special Education	
	<u>Awardee</u>	
	Avenues Unlimited, Inc.	
	Best Buddies International	
	Montgomery Youth Works	
	St. Luke's House, Inc.	
	Total	\$ 170,000
1133.1	Collaborative Youth Development and Academic Enrichment at Richard Montgomery and Quince Orchard high schools and Academic Intervention at Frances Scott Key, Earle B. Wood, Martin Luther King, Takoma Park and Silver Spring International middle schools	
	<u>Awardees</u>	
	Educacion 2000, Inc.	
	Sylvan Learning Centers	
	Total	\$ 410,000
4061.1	Modular Computer Furniture – Extension	



Awardees

Douron, Inc.*	\$ 33,498
Landon Systems Corporation	41,439
Spectrum Industries, Inc.	<u>2,787</u>
Total	\$ 77,724

## 4062.3 Musical Instruments Furniture and Equipment

Awardees

Arch Electronics, Inc.	\$ 11,189
Cornet Music	247
Dale Music Company, Inc.*	3,885
Ideal Music Company	3,319
Interstate Music Supply	46,356
Keyboard World*	10,149
Lashof Violins	4,554
Victor Litz Music Center	2,125
Midwest Musical Imports	27,611
Music is Elementary	12,616
Northeast Music, Inc.	399
Northern Video Systems, Inc.*	598
Peripole Bergerault, Inc.	876
Rhythm Band, Inc.	3,884
S & H Manufacturing Company	350
Stageright Corporation	1400
Steve Weiss Music, Inc.	10,900
Sweetwater Sound, Inc.	687
Washington Music Sales Center, Inc.	43,779
Wenger Corporation	47,545
West Manor Music	8,285
Woodwind & Brasswind	20,871
Wrights Music Shed	1,827
Zaph's Music Inc./DBA Music 123.com	<u>10,581</u>
Total	\$ 274,033

## 4100.1 Fire Alarm Parts — Extension

Awardee

Tri-Ed Distribution, Inc.	\$ 73,513
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## 9016.2 Electrical Supplies

Awardees

Capital Lighting & Supply	\$ 121,228
Graybar Electric Company, Inc.	18,333
Maurice Electric Supply Company, Inc.	18,619
Metco Supply, Inc.	1,506
C.N. Robinson Lighting Supply Company	141,217
Shepherd Electric Company, Inc.	31,085
United Electric Supply	323,067
Wesco	<u>2,438</u>
Total	\$ 657,493

9023.1	Audio and Video Equipment Parts	
	<u>Awardees</u>	
	Allegheny Electronics, Inc.	\$ 7,000
	Cumberland Electronics, Inc.*	29,500
	Kunz, Inc.	5,000
	Nelson C. White Company, Inc.*	6,000
	Nicholas P. Pipino Associates	<u>2,000</u>
	Total	\$ 49,500
9051.2	Athletic, Cheerleader and Pom Pon Uniforms – Extension	
	<u>Awardees</u>	
	Asco, Inc.	\$ 24,500
	Marlow Sports, Inc.*	114,504
	Team Distributors	105,500
	Varsity Spirit Fashions	<u>45,400</u>
	Total	\$ 289,904
9053.1	Recreation Systems Installation – Extension	
	<u>Awardees</u>	
	Arbor Recreation	\$ 21,700
	Taylor Sports & Recreation, Inc.	29,961
	West Recreation, Inc.	<u>51,312</u>
	Total	\$ 102,973
9054.1	Playground Equipment – Extension	
	<u>Awardees</u>	
	All Recreation	\$ 28,595
	Rapidan Resources, Inc.	2,038
	Triple J. Construction, Inc.	10,370
	West Recreation, Inc.	<u>176,561</u>
	Total	\$ 217,564
9105.5	Cafeteria Disposable Supplies	
	<u>Awardees</u>	
	Acme Paper & Supply Company	\$ 151,917
	Calico Industries, Inc.	14,776
	S. Freedman & Sons	15,285

Holt Paper & Chemical Company	47,645
Interboro Packaging Corporation*	7,198
Kahn Paper Company, Inc.	406,903
Leonard Paper Company	2,176
Sysco Food Services of Baltimore/DC Region	58,624
Webco Packaging, Inc.	<u>108</u>
Total	\$ 704,632

9183.1 Waste Compactor Replacements at Various Facilities – Extension

<u>Awardee</u>	
Big Stuff, Inc.	\$ 50,000

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000 \$3,964,296

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

RESOLUTION NO. 191-01 Re: **AWARD OF CONTRACT – RELOCATABLE CLASSROOMS**

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

WHEREAS, Funds have been appropriated in the FY 2001 Capital Budget for modular classroom units to accommodate growth and instructional program needs; and

WHEREAS, Enrollment projections indicate that 50 additional modular classroom units are required for the 2001-2002 school year to accommodate those needs; and

WHEREAS, The following sealed bids were received on March 12, 2001, to provide leased modular classroom units:

<u>Bidder</u>	<u>Monthly Fee</u>	<u>Delivery</u>
G. E. Capital Modular Space, Inc.	\$ 330	\$ 250
Resun Leasing, Inc.	332	1,350
EMH Environmental, Inc.	342	4,104
Acton Mobile Industries	426	3,916
Allspace International Corporation	475	10,850

now therefore be it

Resolved, That a five-year lease for 50 relocatable classroom units be awarded in the amount of \$1,002,500 to G. E. Capital Modular Space, Inc., with delivery and the first year's lease to be funded in the Capital Budget and with the option to lease additional units at the unit price cost.

RESOLUTION NO. 192-01            Re:    **AWARD OF CONTRACTS – AMERICANS WITH DISABILITIES ACT MODIFICATIONS FOR VARIOUS SCHOOLS**

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

WHEREAS, The Department of Facilities Management has received proposals from the approved on-call contracting firms to perform Americans with Disabilities Act (ADA) modifications for the following schools:

<u>Bidder</u>	<u>Amount</u>
<u>Darnestown Elementary School</u>	
Smith & Haines, Inc.	\$ 24,600
Golden Construction, Inc.	30,182
Hanlon Construction Company	37,305
<u>Grosvenor Center</u>	
Golden Construction, Inc.	\$ 58,307
Smith & Haines, Inc.	59,300
<u>Tilden Middle School</u>	
Smith & Haines, Inc.	\$271,000
Golden Construction, Inc.	314,803

and

WHEREAS, There is limited opportunity for minority business enterprise (MBE) participation on the Darnestown Elementary School and Grosvenor Center projects because of the work scope; and

WHEREAS, The Tilden Middle School project involves three specially manufactured wheelchair lifts and the installation will be done entirely by the contractor's own forces; and

WHEREAS, Staff recommends waiving the minority business participation goal for these projects; now therefore be it

Resolved, That contracts in the amounts of \$24,600 and \$271,000 be awarded to Smith & Haines, Inc., for ADA modifications for Darnestown Elementary School and Tilden Middle School, respectively, and a \$58,307 contract be awarded to Golden Construction, Inc., for ADA modifications for Grosvenor Center, in accordance with drawings and specifications prepared by Murray & Associates.

RESOLUTION NO. 193-01                      Re:    **ARCHITECTURAL APPOINTMENT – FORMER MONTGOMERY HILLS JUNIOR HIGH SCHOOL PROPERTY TRANSFER FEASIBILITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a design feasibility study of alternatives for the property transfer of the former Montgomery Hills Junior High School; and

WHEREAS, Funds for feasibility planning have been programmed as part of the FY 2001 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified Moseley, Harris & McClintock as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the necessary architectural services based on the project scope; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Moseley, Harris & McClintock to provide professional architectural services for the Montgomery Hills Junior High School property transfer feasibility study project for a fee of \$65,000.

RESOLUTION NO. 194-01                      Re:    **CONSULTANT APPOINTMENT – ENGINEERING SERVICES FOR SAFE ACCESS DESIGNS AT VARIOUS SCHOOL SITES**

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

WHEREAS, Funds are appropriated annually in the Capital Improvements Program to provide safe and improved bus, vehicular, and pedestrian access at various schools, both on a systematic basis and as individual needs become known; and

WHEREAS, Improved (safe) access projects may involve the widening of a street or roadway, obtaining rights-of-way for school access or exit, or adding or changing entrances and exits at various schools; and

WHEREAS, It is necessary to appoint engineering consulting firms to provide improved access engineering services; and

WHEREAS, An Engineering Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected A. Morton Thomas and Associates, Inc., and The Traffic Group, Inc., as the top two qualified firms; and

WHEREAS, The firms of A. Morton Thomas and Associates, Inc., and The Traffic Group, Inc., are Maryland firms with extensive experience in resolving improved (safe) access issues; now therefore be it

Resolved, That the Montgomery County Board of Education enter into contractual agreements with the firms of A. Morton Thomas and Associates, Inc., and The Traffic Group, Inc., to provide professional engineering services for safe access at various school sites as needs arise, with project fees to be negotiated on an individual basis.

RESOLUTION NO. 195-01            Re:    **ACCEPTANCE OF COLONEL ZADOK MAGRUDER HIGH SCHOOL**

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

WHEREAS, Colonel Zadok Magruder High School was inspected on March 19, 2001; now therefore be it

Resolved, That Colonel Zadok Magruder High School now be formally accepted contingent upon the certification by the architect that the building has been completed in accordance with the plans and specifications; and be it further

Resolved, That the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 196-01            Re:    **UTILIZATION OF FY 2001 FUTURE SUPPORTED PROJECT FUNDS**

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

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. 14-525, approved May 25, 2000; and

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

WHEREAS, Sufficient appropriation is available within the FY 2001 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 2001 Provision for Future Supported Projects awards as specified below:

<u>Project</u>	<u>Amount</u>
Partnership for an Advanced Computational Infrastructure at Montgomery Blair	\$110,000
	_____
Total	<u>\$110,000</u>

and be it further

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

RESOLUTION NO. 197-01      Re:    **JOINT    EMPLOYEE BENEFIT COMMITTEE  
RECOMMENDATION TO COVER CONTRACEPTIVE  
DRUGS UNDER THE PRESCRIPTION DRUG  
PROGRAM**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously:#

WHEREAS, The Board of Education of Montgomery County, Maryland, adopted an employee benefit plan (EBP) effective December 15, 1958, that provides for insurance coverage for the benefit of both active and retired plan members and their qualified dependents; and

WHEREAS, The Board of Education has from time to time made changes to plan provisions for both active and retired plan participants; and

WHEREAS, A recent ruling by the United States Equal Employment Opportunity Commission concluded that prescription drug plans that fail to cover contraceptive drugs under the same terms and conditions as other drugs constituted an unlawful employment practice in violation of Title VI of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act;



and

WHEREAS, The Joint Employee Benefit Committee recommended to the superintendent of schools that contraceptive drugs and devices be covered under the same terms and conditions as other drugs; and

WHEREAS, Staff and legal counsel have concluded that it would be in the best interest of MCPS to begin covering contraceptive drugs and devices under the same terms and conditions as other drugs; and

WHEREAS, It is estimated that the cost of offering this benefit would be approximately \$1 million annually; now therefore be it

Resolved, That effective January 1, 2002, MCPS amend the prescription drug plan for active and retired plan participants to provide that contraceptive drugs and devices will be covered under the same terms and conditions as other prescribed drugs are covered; and be it further

Resolved, That in order to mitigate the expected cost of adding this benefit, MCPS will undertake a competitive bid effort to select a pharmacy benefit manager that will be able to offer full pharmacy benefit management services with the goal of lowering overall plan costs; and be it further

Resolved, That the Board of Education president and the superintendent of schools be authorized to execute the documents necessary for this transaction.

RESOLUTION NO. 198-01                      Re:    **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective April 30, 2001:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
John C. Marshall	Program Development Manager, Veridian Corp.	Supervisor, Electronic Graphics and Publishing Services

Re:    **MONTHLY FINANCIAL REPORT**

Mr. Bowers reported the projected financial condition through February 28, 2001, based on program requirements and estimates made by primary and secondary account managers. At

that time, there was a projected surplus in revenues of \$1,230,999 and a projected deficit of \$400,000 in expenses. He added that there was a "freeze" on Category 1 expenditures for supplies, positions, part-time salaries, and overtime.

**Re: THE INSPECTOR GENERAL'S MANAGEMENT  
AUDIT OF TRANSPORTATION**

Mr. Norman Butts, the Montgomery County Office of the Inspector General (IG), undertook a *Performance Audit* of the MCPS Department of Transportation (DOT), beginning in the fall of 1999. The audit report, published in November 2000, includes the Inspector General's findings and recommendations and DOT's responses. Of the 22 findings presented, DOT staff agreed in full or in part with 19. Implementation plans to address each of the findings were summarized in a memorandum to the Board dated February 23, 2001.

The Board of Education Audit Committee and the County Council Education Committee have discussed this report with DOT staff. The Audit Committee noted that implementation of the recommendation that "distance measurements to determine which students are eligible for bus transportation be changed" requires the Board of Education to amend Policy EEA and its associated regulation, EEA-RA. The committee agreed with the recommendation and suggested that the Board amend the measurement points to be between the end of the entrance walk of the residential property and a selected point (such as the flagpole, bus loop entrance, or main entrance) of the school.

Dr. Weast reported that the County Council Education Committee and the Audit Committee viewed this audit as a positive endorsement of the performance of DOT. While any audit identifies areas for improvement, this report also found that the department is attentive to safety as well as efficiency and effectiveness issues. DOT staff should be commended for its willingness to work openly and cooperatively with the Office of the Inspector General and to implement suggestions for improvement.

The report made the following recommendations:

1. Transportation should fully implement Mapnet as a basis to schedule and pay drivers (potential savings – \$376,134).
2. Transportation should out-source repair and maintenance of non-school bus vehicles (potential savings – \$475,524).
3. Transportation should evaluate data requirements to support operational decisions.
4. Transportation should expand analysis of maintenance costs by vehicle and by depot.
5. Transportation should improve monitoring and documentation of on-time performance.
6. Transportation should establish "repair-versus-replace" standards.
7. Transportation should reduce the number of "take-home" vehicles.
8. Transportation should collect full reimbursement for personal commuting mileage

- (potential savings – \$26,745).
9. Transportation should properly assign duties for processing bus operator and attendant time sheets.
  10. Transportation should follow MCPS policy concerning telephone records review and retention.
  11. Transportation should improve its customer information and complaints handling process.
  12. Transportation should identify appropriate peer jurisdictions and establish efficiency and effectiveness benchmarks.
  13. Supervision of operators and attendants by bus route supervisors should be improved.
  14. Transportation should promote training and certification of mechanics.
  15. Transportation should improve fixed-asset accounting procedures.
  16. Transportation should review the adequacy and quality of its office and meeting/training space.
  17. Transportation should review measurement points used in determining walking distances.
  18. Transportation should ensure adequate training and monitoring of the installation of child-restraint systems.
  19. Transportation should discontinue use of non-conforming vehicles for student transportation.
  20. Transportation should revise its random drug-testing notification procedures.
  21. Transportation should adequately secure its buses.
  22. Transportation should improve documentation and supervisory review of maintenance and repair actions.

**Re: DISCUSSION**

Mr. Abrams stated that the Audit Committee had reviewed the report and generally concurred with the findings. The one area of disagreement was not on the data, but the assumptions to interpret the data. Therefore, agreement on the assumptions prior to the analysis would be helpful for a better understanding of the objectives. Mr. Abrams suggested that the Board review its policy on transportation with the superintendent's recommendation. The Audit Committee suggested the most common entry point as the place to use for this measurement. Also, the actual distance versus the walking distance should be addressed in the policy.

Mr. Lange asked about adequate training and monitoring of the installation of child-restraint systems. Mr. Butts responded that the auditors sampled 150 buses and noticed a number of buses where the child-restraint system was loose and installation was faulty. Mr. Raucher added that by 2006 there must be federally approved child-restraint systems for Head Start and children below a specified age. Currently, any child under 40 pounds is placed in a car seat, installed on the school bus seat, and the belting system can loosen. Hopefully, a vendor will provide a better belting system that can be quickly removed for bus use by older students.

Mr. Felton asked about the magnitude of the transportation system, and what the system will use as benchmarks for its improvements. Mr. Raucher replied that as a member the Big Bus Council and the Maryland Association of Pupil Transportation, MCPS is sharing information with those organizations. However, MCPS will expand its search for similar systems with similar problems to share information.

Ms. Cox noted that the report reflects the system's continuous improvement efforts. She asked about drug testing and what the potential is for an employee to know when testing was scheduled. Is there a system to track absences and testing? Mr. Raucher reported that the notification is random. However, employees can still call in sick when they receive a notice of drug testing on their bus. The department will develop a procedure to address this issue.

Ms. Cox asked Mr. Butts if the team reviewed the stop locations and safety issues. Mr. Butts replied that the team did not look at specific complaints of safety at bus stops.

RESOLUTION NO. 199-01                      Re:    **REVISED    FY    2001    STATE    CAPITAL  
IMPROVEMENTS PROGRAM REQUEST**

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

WHEREAS, The FY 2001 State Capital Improvements Program (CIP) amount for Montgomery County Public Schools (MCPS) approved by the Board of Public Works totals \$51.2 million, including a set-aside of \$14.7 million in undesignated funds; and

WHEREAS, \$59,000 of the undesignated funds has been applied to the Relocatable Classroom Project, leaving \$14.605 million as the set-aside balance; and

WHEREAS, The staff of the Interagency Committee on School Construction (IAC) has recognized the justification for a regional cost adjustment for MCPS; and

WHEREAS, The IAC staff considered the allocation of additional funds to certain projects approved in FY 2001 by applying a regional cost adjustment, as well as allocating funds for additional projects not approved in the FY 2001 State CIP using the \$14.605 million in undesignated funds; and

WHEREAS, The FY 2001 adjustments recommended by the IAC staff will deplete the entire set-aside of \$14.605 million; now therefore be it

Resolved, That the Board of Education revise its FY 2001 State CIP request to reflect the adjustments recommended by the IAC staff in the amount of \$14.605 million, as indicated on Attachment B; and be it further

Resolved, That a copy of this resolution, with attachments, be transmitted to the county executive, the County Council, and the IAC.

Re: **CONSTRUCTION STATUS REPORT**

Dr. Weast and Mr. Richard Hawes, director of the Department of Facilities Management, provided an update on the major construction projects scheduled for completion this summer. Various contracting firms are working on three modernizations, five additions, and one new school scheduled to open in September 2001. A brief outline for each project was included in this report.

MCPS is planning to place 155 new or existing relocatable classrooms at various facilities this summer to address enrollment and program initiatives, contingent on final funding for the FY 2002 Capital Budget. The number of relocatable classroom placements this summer could add as many as 55 new units to the current inventory of 453 relocatable buildings.

The performance of the Washington Metropolitan Area economy has a substantial impact on the local construction market. The last three years have brought rapid growth in construction volume in the Washington Metropolitan Area to an all-time high, exceeding \$22 billion in 2000 for all categories, e.g., building and non-building. This growth has stretched the region's labor force and material supply capacity to the point where local contractors are having an extremely difficult time meeting demand and keeping projects on schedule.

The calendar year 2000 ended with residential and non-residential construction volume increasing 3.8 percent over 1999. With a sound local economic base, continued employment growth, and stable federal spending, projections for local construction market growth for 2001 will outperform the national economy by 0.5 to 1 percent. Even with the national economy slowing, forecasters project that total construction will increase 2 percent nationally over the 2000 volume based on strong spending on retail/mixed use development and institutional projects. This would put the local construction market at a growth rate of 2 to 2.5 percent, which means there is no immediate relief in sight.

Several of this year's construction projects are running behind schedule; however, with the exception of the Bethesda-Chevy Chase High School modernization, staff is confident that work will be completed on these projects in time for the opening of school. The Bethesda-Chevy Chase modernization has fallen behind schedule to the point where it cannot be completed in time to open this September. Outlined below is a brief status report of the major projects:

**Northwest Elementary School #6/Longview Center**

Northwest Elementary School #6/Longview Center is a phased project with the elementary school opening this September and the special education center opening in December. The elementary school work has been augmented with additional subcontractors to rectify schedule slippage, and that portion of the building and site will be completed by late July. The Longview Center is on schedule to be completed in December with a mid-year opening for students.

**Rock Creek Valley Elementary School Modernization**

Rock Creek Valley Elementary School is being modernized for a capacity of 382 students. The school has been housed at the North Lake Center during the 2000-2001 school year. The building and site will be completed in mid-July and ready for staff occupancy and furnishing.

**Burnt Mills Elementary School Gymnasium Addition**

The school physical education program has occupied the gymnasium. The contractor is still awaiting glass delivery for completion of the lobby area. Completion of finishes will follow the glass installation, and the entire project will be completed by June.

**John Poole Middle School Gymnasium Addition**

The original contractor went out of business and was replaced by the bonding company. The replacement contractor has begun to condition the gymnasium in preparation for the wood floor installation. The addition will be complete and ready in June.

**Earle B. Wood Middle School Modernization**

Earle B. Wood Middle School is being modernized for a capacity of 1,001 students. The construction schedule has been affected by unforeseen conditions in the building and on the site. However, the contractor has assured MCPS staff that the modernization will be complete for occupancy prior to September. The contractor is developing a move-in schedule that starts turning over spaces for occupancy in mid-June with an overall completion date of mid-August.

**Winston Churchill High School Modernization/Addition**

The construction manager is re-sequencing the remaining contract work to reflect changes to the original schedule. The auditorium phase was started last summer and finished in February 2001 in lieu of the original completion date of the summer of 2002. The balance of the building modernization work will be completed in early August. Demolition of the existing D-building and the subsequent site work for new parking areas will be complete in the fall.

**Northwest High School Addition**

The Northwest High School addition schedule has slipped due to a lack of masonry

manpower. The general contractor has replaced the masonry firm, and production has resumed. The 10-classroom addition will be complete for student occupancy in mid-August of this year. This addition will increase the building's student capacity by 215 students, for a total capacity of 1,566 students.

### **Wheaton High School Addition**

The 18-classroom addition will increase the building's student capacity from 1,156 to 1,548. The project is on schedule and will be ready for occupancy in late July.

### **Thomas S. Wootton High School Addition**

The balance of the major core improvements that were included in the initial 18-classroom addition will be completed this summer. The additional eight classrooms that were authorized for construction last fall will be complete in December 2001. A late start and the bankruptcy of the glazing subcontractor have resulted in schedule slippage. The relocatable classrooms will remain on site until the addition is complete.

RESOLUTION NO. 200-01            Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Ms. Cox, the following resolution was adopted unanimously:

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 portion of its meeting on Monday, April 23, 2001, in Room 120 of the Carver Educational Services Center to meet in a closed session from 7:30 to 8:00 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*; and review and adjudicate appeals in its quasi-judicial capacity and to 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.

Re:    **REPORT OF CLOSED SESSION**

On March 13, 2001, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed session on March 13, 2001, from 9:07 to 9:45 a.m. and 1:05 to 2:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: 2001-2, 2001-4, 2001-6, 2001-7, and 2001-9.
2. Reviewed the Superintendent's recommendation for a personnel appointment, subsequent to which the vote to approve the appointment was taken in open session.
3. Reviewed the Human Resources Monthly Report, subsequent to which the vote to approve the report was taken in open session.
4. Considered the acquisition of real property for a public purpose and matters directly related thereto.
5. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
6. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Steve Abrams, Larry Bowers, Ray Bryant, Kermit Burnett, Sharon Cox, Reggie Felton, Teresa Flak, Dick Hawes, Jay Headman, Roland Ikheloa, Nancy King, Don Kress, Walter Lange, Freida Lacey, Christopher Lloyd, George Margolies, Patricia O'Neill, Brian Porter, Glenda Rose, Frank Stetson, Roger Titus, David Wayne, Jerry Weast, James Williams.

RESOLUTION NO. 201-01      Re:    Re:    **BOARD APPEAL – 2001-04**

On motion of Mr. Burnett and seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2001-04, student suspension, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, Mr. Lloyd, and Mrs. O'Neill voting to dismiss.

Re:    **NEW BUSINESS**

There was no new business.

Re:    **ITEMS OF INFORMATION**

The following information was available:

1.    Items in Process



2. Legal Fees Report
3. Construction Progress Report

RESOLUTION NO. 202-01

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of April 3, 2001, at 3:45 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

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April 3, 2001

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