

APPROVED  
7-2008

Rockville, Maryland  
February 25, 2008

The Board of Education of Montgomery County met in special session at the Carver Educational Services Center, Rockville, Maryland, on Monday, February 25, 2008, at 6:20 p.m.

Present:               Mrs. Nancy Navarro, President  
                              in the Chair  
                              Mr. Steve Abrams  
                              Mr. Christopher Barclay  
                              Ms. Shirley Brandman  
                              Ms. Sharon Cox  
                              Dr. Judy Docca  
                              Mr. Ben Moskowitz  
                              Dr. Jerry Weast, Secretary/Treasurer

Absent:                Mrs. Patricia O'Neill

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

RESOLUTION NO. 52-08               Re:    **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Mr. Abrams 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 closed session on February 25, 2008, in Room 120 from 5:30 to 6:00 p.m.; and be it further

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

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on February 25, 2008, to acquit its administrative functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

Re:    **PLEDGE OF ALLEGIANCE**

"I pledge allegiance to the flag of the United States of America and to the republic for which

it stands, one nation under God, indivisible, with liberty and justice for all.”

RESOLUTION NO. 53-08            Re:    **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve the agenda for February 25, 2008.

RESOLUTION NO. 54-08            Re:    **WOMEN’S HISTORY MONTH**

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

WHEREAS, In 1987, the United States Congress passed a resolution proclaiming the month of March as National Women’s History Month; and

WHEREAS, The Maryland Women’s History Project has selected the theme *Women’s Art: Women’s Vision* to commemorate Women’s History Month in 2008; and

WHEREAS, Maryland women have a rich heritage of accomplishments and creative contributions that have inspired their families, communities, and country; and

WHEREAS, Women’s art and vision have helped to shape our nation’s history and have been catalysts for change; and

WHEREAS, The Montgomery County Board of Education takes pride in its efforts to create an awareness of the often unrecognized contributions of women; and

WHEREAS, The Montgomery County Board of Education and the superintendent of schools are committed to providing learning and working environments that encourage the pursuit of academic and career opportunities for women; now therefore be it

Resolved, That, on behalf of the superintendent of schools, as well as staff, students, and parents of the Montgomery County Public Schools, the members of the Montgomery County Board of Education hereby declare the month of March 2008 to be observed as Women’s History Month; and be it further

Resolved, That the Montgomery County Board of Education and the superintendent of schools recognize and honor our female students, staff, parents, business community members, and community leaders who, by their hard work, vision, and achievements, are creating a better tomorrow.

RESOLUTION NO. 55-08            Re:    **RECOMMENDATION TO APPROVE THE**

**AGREEMENT WITH THE MONTGOMERY COUNTY BUSINESS AND OPERATIONS ADMINISTRATORS**

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

WHEREAS, Section 6-510 of the Education Article, *Annotated Code of Maryland*, requires the Board of Education to enter into negotiations with designated employee organizations concerning “salaries, wages, hours, and other working conditions”; and

WHEREAS, The Montgomery County Business and Operations Administrators was properly designated as the employee organization to be the exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated agreement for the 2008–2010 school years; and

WHEREAS, Said negotiations have occurred in good faith, as directed by law; and

WHEREAS, The parties have reached tentative agreement on a new agreement covering FY 2008 through FY 2010; and

WHEREAS, The tentative agreement has been duly ratified by the membership of the Montgomery County Business and Operations Administrators; now therefore be it

Resolved, That the Board of Education approve the negotiated agreement for the period of February 26, 2008, through June 30, 2010; and be it further

Resolved, That the president and the secretary of the Board of Education be authorized to sign the amended agreement, all according to said agreement and to the law.

Re: **PUBLIC COMMENTS**

The following people testify before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Mark Woodard	Maryland Healthy Schools Coalition
2.	Sean McIntosh	American Diabetes Association
3.	Jane Rice	Replacement of Gaithersburg High School
4.	Michael Hersh	Health Care
5.	M. Fedder	American Heart Association
6.	Deborah Shuman	Health Care
7.	Susan Loftus	Physical Education

- 8. Karin Leszczynski Winston Churchill High School
- 9. Deborah Wilks Bullying

RESOLUTION NO. 56-08 Re: **ITEMS OF LEGISLATION**

On recommendation of the superintendent and on motion of Ms. Cox seconded by Ms. Brandman, the following resolutions were adopted unanimously by members present:

Resolved, That the Board of Education supports **HB 613—Maryland Education Fund—Establishment and Funding** that would establish the Maryland Education Fund; providing that after a specified date, the balance remaining on a gift certificate shall be presumed abandoned; requiring a person that issues a gift certificate sold in the state to remit to the Comptroller a specified percentage of the remaining balance on the gift certificate on or before a specified date each year; and be it further

Resolved, That the Board of Education opposes **SB375/HB472—Imposition of Administrative Fees on Employers** that would authorize the Board of Trustees of the State Retirement and Pension System to adopt regulations to impose administrative fees on participating employers who fail to provide information to the State Retirement Agency about enrollment of eligible employees in the State Retirement and Pension System; and be it further

Resolved, That the Board of Education opposes **SB 487/HB641—Transferring Membership** that would require members of the Teachers' Pension System who are promoted or transferred to specified positions to transfer to the Employees' Pension System; allowing specified members of the Teachers' Pension System the choice of transferring to the Employees' Pension System or a local pension system; and be it further

Resolved, That the Board of Education supports **SB 297—Tax Credit For Employer Established Work-based Learning Programs for Students** that would authorize eligible parties to establish specified approved paid work-based learning programs under which arrangements are made between schools and employers to provide students with specified structured employer-supervised learning; allowing a credit against the state income tax or the insurance premiums tax for wages paid to each student under an approved program; providing for the calculation and carry-forward of the credit; and be it further

Resolved, That the Board of Education opposes **HB1239—Education— Foster Child Incentive Program** that would establish a Foster Child Incentive Program; authorizing a foster parent or legal guardian of an eligible student to enroll the eligible student in a participating school and use scholarship funds to offset specified costs relating to the attendance at the participating school of the eligible student; establishing eligibility to participate in the Program; and be it further

Resolved, That the Board of Education opposes **HB 812/SB373—Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit** that would provide a tax credit against the state income tax for contributions made to an eligible educational organization or an eligible innovative educational grant organization; requiring the Maryland State Department of Education to administer the tax credit; requiring an entity to submit an application to be an eligible educational scholarship organization or an eligible innovative educational organization by a specified date each year; and be it further

Resolved, That the Board of Education opposes **SB 813—Scholarship Program for Children with a Disability** that would establish a Scholarship Program for Children with a Disability to attend a private noncollegiate educational institution; authorizing parents or legal guardians to enroll a child with a disability in an eligible private institution and use scholarship funds to offset costs relating to the attendance of the child with a disability at the eligible private institution; providing for the administration of funds for the program and establishing the amount of a scholarship; and be it further

Resolved, That the Board of Education supports **HB 652—Public School Employees—Criminal Convictions** that would prohibit a county board of education from knowingly hiring or retaining any individual who has been convicted of specified crimes; and be it further

Resolved, That the Board of Education opposes **SB 231—Public Schools—Certified Teachers—Flagging Investigative Proceedings** that would require a county superintendent to send a written notice to the state superintendent of schools that an investigative proceeding involving a complaint has been initiated against a certified teacher if the complaint alleges specified crimes; requiring that a specified notice be sent within a specified number of days and include specified information; requiring the state superintendent to place immediately a warning flag on a certified teacher's file under specified circumstances; and be it further

Resolved, That the Board of Education opposes **HB 192—State Board of Education Members—Qualification** that would require at least two of the members of the Maryland State Board of Education to be, at the time of their appointment, parents of students enrolled in public schools in the state; and providing for the prospective application of the Act; and be it further

Resolved, That the Board of Education opposes **HB 349—State Government—Open Meetings—Votes of a Public Body** that would require specified votes of a public body to be taken in open session; and prohibiting a specified provision of law from being construed to allow voting by a public body in a closed session; and be it further

Resolved, That the Board of Education supports **HB 465—Public Charter Schools—Revisions** that would require public charter schools to submit applications on or before

August 1; requiring county boards of education to review and render a decision on or before December 1; prohibiting public charter schools from seeking waivers from specified laws; subjecting implementation of specified agreements to specified negotiations; and be it further

Resolved, That the Board of Education opposes **HB 596—Procurement of Green Product Cleaning Supplies** that would require a county board of education to procure green product cleaning supplies; requiring a county board to adopt specifications for the green product cleaning supplies; defining *green product cleaning supplies*; and be it further

Resolved, That the Board of Education opposes **HB 760—Interscholastic Sports Teams—Participation at Another School** that would allow specified students to try out for and play on interscholastic sports teams of other public schools in a county, under specified circumstances; and be it further

Resolved, That the Board of Education opposes **HB 841—Fall Sports Season—Practice Sessions** that would prohibit the start of practice sessions for the fall sports season for high school students more than a specified number of days before the first day of school of the school year; and be it further

Resolved, That the Board of Education opposes **HB1411/SB849—Fitness and Athletics Equity for Students with Disabilities Act** that would require county school systems to ensure the participation of students with disabilities in specified physical education and athletic programs; requiring county school systems to provide specified accommodations; requiring county school systems to develop specified programs, policies, and procedures; and requiring county school systems to provide opportunities meeting specified criteria to students; and be it further

Resolved, That the Board of Education opposes **HB 503—Brian Moore Student Health and Fitness Act of Maryland** that would require public school students in kindergarten through a specified grade be provided specified levels of a program of physical activity each week; requiring that the program of physical activity for a specified category of student be consistent with a specified plan for the student; and requiring students in public high schools to complete a specified amount of physical education in order to graduate; and be it further

Resolved, That the Board of Education opposes **SB 714/HB1271—Development of Curriculum Content—Financial Literacy** that would require the Maryland State Board of Education to develop curriculum content for a semester-long course in financial literacy; requiring the curriculum content to include instruction in choosing a career, earning an income, saving and investing money, credit, and budgeting; requiring each county Board of education to implement the curriculum content in every high school in the county; and requiring students to complete a course in financial literacy in order to graduate; and be it

further

Resolved, That the Board of Education opposes **SB 447/HB1421—High School Diploma—GED Options Program** that would require the Maryland State Board of Education (MSBE) to establish a GED Options Program that provides specified students with an alternative course for obtaining a high school diploma, beginning on August 1, 2009; providing for specified program requirements; requiring students enrolled in the GED Options Program to be counted in the average daily attendance of a local school system; and requiring MSBE to adopt specified regulations; and be it further

Resolved, That the Board of Education opposes **HB 206—Student Bullying—State and School Policy** that would specifically include investigating and reporting incidents of bullying or harassment by a school staff or a volunteer and requires that all LEAs develop a policy prohibiting bullying; and be it further

Resolved, That the Board of Education opposes **HB 546—Harassment and Intimidation in Schools** that requires all LEAs to develop a policy prohibiting bullying and articulates required elements of such a policy. This bill also creates a School Bullying Ombudsman in MSDE and articulates the position's responsibilities. Additionally, the bill creates a Prevention of Harassment and Intimidation in Public Schools Advisory Council and defines its purpose, which includes evaluating the impact of each LEA's policy, reporting on the relationship between harassment and the incidence of school dropout and suicide rates, as well as sharing best practices among LEAs; and be it further

Resolved, That the Board of Education opposes **HB 732—Bullying, Harassment, and Intimidation—School Policy** that requires all LEAs to develop a policy prohibiting bullying, harassment, or intimidation at school. However, unlike the other two bills, HB732 specifically includes an Internet posting on the definition of a verbal, physical, or written act that constitutes harassment. In addition to requiring LEAs to develop prevention programs for students, staff, volunteers, and parents, this bill also requires LEAs to collect data about the experience and perception of bullies and victims and administer an annual survey that would measure school climate concerning bullying, harassment, and intimidation; and be it further

Resolved, That the Board of Education opposes **HB 616—Children With Anaphylactic Allergies—Reduction of Risk** that would require principals of public schools with students identified as having anaphylactic allergies to take specified actions to reduce specified risks; making registration of children with specified allergies contingent on receipt of specified information; and requiring the development of individual health plans; and be it further

Resolved, That the Board of Education opposes **HB 653/SB600—Early Intervention—Hearing and Vision Screenings** that would alter a time frame for hearing and vision

screenings to specified students; requiring specified forms; and requiring specified parents or guardians to report specified information; and be it further

Resolved, That the Board of Education opposes **HB 139/SB582—Multiple Suspensions** that would require principals to report suspensions within specified periods of time; requiring principals to refer students to pupil services teams and give notice, in multiple languages, that pupil services teams must meet within a specified period of time; and be it further

Resolved, That the Board of Education opposes **HB 536/SB473—Youth Risk Behavior Surveillance System—Passive Parental Consent** that would require the Maryland State Department of Education to require local school systems to utilize passive parental consent before administering a specified survey; and requiring local school systems to provide parents with specified statements and forms; and be it further

Resolved, That the Board of Education opposes **HB 592—Student Behavior Interventions—Use of Time Out, Restraint, and Seclusion** that would require each local school system, state-operated program, and nonpublic school to provide a copy of its policies and procedures relating to the use of exclusionary time outs, mechanical restraints, physical restraints, and seclusion as student behavior interventions to the parents of students who are placed in time outs, restraints, or seclusion; and be it further

Resolved, That the Board of Education opposes **SB 428—Military Recruiters—Student Contact Information—Opportunity to Opt Out** that would require public schools to provide notice to specified students or the parents or guardians of the students about the right not to release student contact information to military recruiters; requiring public schools to include the notice in a specified format, size, and type on the card requesting emergency contact information for the student; and requesting the student or the parent or guardian of the student to indicate whether the student's contact information is to be released to military recruiters; etc.; and be it further

Resolved, That the Board of Education supports **SB 591—Tuition Charges—Maryland High School Students** that would establish specified individuals, other than specified nonresident individuals, shall be exempt from paying nonresident tuition at specified public institutions of higher education under specified circumstances; requiring specified individuals to provide documentation regarding Maryland income tax withholding; and requiring the governing board of each public institution of higher education to adopt specified policies; and be it further

Resolved, That the Board of Education supports **SB 610—Violations by Drivers Under the Age of 18 Years—Driver's License Suspensions** that would require a court to order the Motor Vehicle Administration to initiate an action to suspend the driving privilege of a child for specified periods of time; providing that the Administration may not issue restricted



licenses to individuals whose drivers' licenses are suspended under specified circumstances; and be it further

Resolved, That the Board of Education supports **SB 92—Youth Voter Registration and Participation in Elections** that would authorize specified citizens who are less than 18 years old to register to vote; authorizing specified citizens who are less than 18 years old to vote in specified primary or special elections under specified circumstances; making stylistic changes; and submitting the amendment to the qualified voters of the state of Maryland for their adoption or rejection.

\*\* Mr. Abrams temporarily left the meeting.

RESOLUTION NO. 57-08                      Re:    **ITEMS OF LEGISLATION**

On recommendation of the superintendent and on motion of Ms. Cox seconded by Dr. Docca, the following resolutions were adopted unanimously by members present:

Resolved, That the Board of Education supports, without amendments, **HB 520/SB787—High School Assessment Requirement** that would prohibit the Maryland State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in public high school graduation requirements; and be it further

Resolved, That the Board of Education write to the Maryland State Department of Education stating the reasons for support, since Montgomery County thinks there should be a more rigorous level of high school assessment without the diploma requirement.

Re:    **BOARD/SUPERINTENDENT COMMENTS**

Dr. Docca commented on the events that she attended, which included students attending the mock legislature in Annapolis; *Silver International Newspaper*, which reflects foreign students' thoughts; the Alpha Phi Alpha Martin Luther King, Jr. Breakfast; read to students at Laytonsville Elementary School; and attended a mock election at William Tyler Page Elementary School.

Mr. Barclay congratulated the middle school students who participated in the Asian American LEADS dinner.

Ms. Brandman represented the Board at the new teacher induction.

Ms. Navarro thought the mock election was very interesting and the students were engaged in the activity.



	Calico Industries, Inc.	5,330
	Carroll Manufacturing & Sales	8,561
	Central Poly Corporation	11,400
	Dade Paper Company, Inc.	474,334
	S. Freedman & Sons, Inc.	62,957
	Interboro Packaging Corporation*	624
	Leonard Paper Company	16,465
	PFG-Carroll County Foods, Inc.*	14,441
	Transilwrap Company, Inc.	2,720
	Webco Packaging, Inc.*	<u>38,459</u>
	Total	\$ 743,578
9132.2	Groceries & Disposables—Direct Delivery	
	<u>Awardee</u>	
	Feesers, Inc.	\$ 273,977
9624.1	Re-roofing at Jones Lane Elementary School**	
	<u>Awardee</u>	
	J.E. Wood & Sons	\$ 402,266
9628.1	Re-roofing at Greencastle Elementary School**	
	<u>Awardee</u>	
	Orndorff & Spaid, Inc.	\$ 397,107
9655.1	Renovate One Pass/Freight Elevator at Col. Zadok Magruder High School**	
	<u>Awardee</u>	
	Elevator Control Service	\$ 229,615
9665.1	Stage Dimmer Control and Lighting Replacements**	
	<u>Awardee</u>	
	Dixie Electric, Inc.	\$ 69,850
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$2,841,964

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

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

RESOLUTION NO. 59-08

Re: **UTILIZATION OF THE FY 2008 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mr. Abrams, 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. 15-631, approved May 27, 2007; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2008 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 to receive and expend, within the FY 2008 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions*</u>	<u>Amount</u>
Bridge Lawn Care		\$ 15,000
Integrating Maryland's English Language Proficiency and Content Area—Voluntary State Curricula		80,200
Measuring Student Technology Literacy—Title II–D	1.0	698,885
Improving Teacher Quality—Title II–A	—	<u>1,100</u>
	<u>1.0</u>	<u>\$ 795,185</u>

Positions\*

1.0 instructional specialist

and be it further

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

RESOLUTION NO. 60-08

Re: **AMENDMENT TO THE MONTGOMERY COUNTY PUBLIC SCHOOLS EMPLOYEES' RETIREMENT AND PENSION SYSTEMS**

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

WHEREAS, The Board of Education desires to amend the Montgomery County Public Schools Employees Retirement and Pension Systems plan to enhance and modify plan benefits to reflect certain changes made to the Maryland State Teachers' Pension System; now therefore be it

Resolved, That the plan is hereby amended as follows, effective July 1, 2006.

Section 6.1 is amended as follows:

6.1 Percentage of Member Contributions.

Until retirement or termination, a member's contribution will be deducted from the Earnable Compensation for the year.

(a) **Contributions On or After July 1, 1998, and On or Before June 30, 2006.**

(1) the amount of a member's contributions with respect to the Core Benefit [as provided in Article II, Sections 8.1(b)] will equal 2.0% of the member's Earnable Compensation, which, at the time of payment, is not treated as Earnable Compensation for the Member under the Teachers' Pension System, and

(2) the amount of the Member Contributions with respect to the Supplemental Benefit [as provided in Article II, Section 8.1(c)] will be equal to 0.1% of the Member's Earnable Compensation, which, at the time of payment, is treated as Earnable Compensation for the Member under the Teachers' Pension System.

(b) **Contributions On or After July 1, 2006**

(1) the amount of a member's contributions with respect to the Core Benefit [as provided in Article II, Section 8.1(b)] will equal the following percentage of the Member's Earnable Compensation, which, at the time of payment, is not treated as Earnable Compensation for the Member under the Teachers' Pension System:

3% of Earnable Compensation for Contributions On or After July 1, 2006, and On or Before June 30, 2007;

4% of Earnable Compensation for Contributions On or After July 1, 2007, and On or Before June 30, 2008;

5% of Earnable Compensation for Contributions On or After July 1,

2008; and

(2) the amount of the Member Contributions with respect to the Supplemental Benefit [as provided in Article II, Sections 8.1(c) and (d)] will be equal to the following percentage of the Member's Earnable Compensation, which, at the time of payment, is treated as Earnable Compensation for the Member under the Teachers' Pension System:

0.3% of Earnable Compensation for Contributions On or After July 1, 2006, and On or Before June 30, 2007;

0.4% of Earnable Compensation for Contributions On or After July 1, 2007, and On or Before June 30, 2008; and

0.5% of Earnable Compensation for Contributions On or After July 1, 2008.

The first paragraph of Section 8.1 is amended as follows:

The yearly amount of base pension at Normal Retirement Date for a member who retires from the service of the Montgomery County Public Schools on or after July 1, 1998, will equal the sum of Items (a) through (d):

Section 8.1(b) is amended as follows:

- (b) **Core Benefit for Credited Service Rendered On or After July 1, 1998.** The number of the member's years of Credited Service on or after July 1, 1998, which are not treated as creditable service under the Teachers' Pension System, multiplied by 1.8% of the Member's Average Final Compensation. Notwithstanding the preceding, the Core Benefit attributable to service rendered on or after July 1, 1998, by a member who separated from employment with Montgomery County Public Schools prior to July 1, 2006, shall be the number of the member's years of Credited Service on or after July 1, 1998, which are not treated as creditable service under the Teachers' Pension System, multiplied by 1.4% of the Member's Average Final Compensation.

Section 8.1(c) is amended as follows:

- (c) **Supplemental Benefit for Service Rendered Before July 1, 1998.** The number of the member's years of Credited Service on or before June 30, 1998, multiplied by:
- (1) 0.08% of the Member's Average Final Compensation that is not in excess of the Social Security Integration Level; and
  - (2) 0.15% of the Member's Average Final Compensation that exceeds the Social Security Integration Level.

Section 8.1 is amended to add the following paragraph (d):

- (d) **Supplemental Benefit for Service Rendered On and After July 1, 1998.**  
The number of the member's years of Credited Service on or after July 1, 1998, multiplied by 0.2% of the Member's Average Final Compensation.

Notwithstanding the preceding, the Supplemental Benefit attributable to service rendered on or after July 1, 1998, by a member who separated from employment with Montgomery County Public Schools prior to July 1, 2006, shall be the number of the member's years of Credited Service on or after July 1, 1998, multiplied by:

- (1) 0.08% of the Member's Average Final Compensation that is not in excess of the Social Security Integration Level; and
- (2) 0.15% of the Member's Average Final Compensation that exceeds the Social Security Integration Level.

and be it further

Resolved, That the Board of Education authorize the superintendent of schools to take such further action as necessary to carry out the intent and accomplish the purpose of the foregoing resolution.

RESOLUTION NO. 61-08

Re: **AMENDED AND RESTATED TRUST AGREEMENT FOR THE MONTGOMERY COUNTY PUBLIC SCHOOLS RETIREMENT SYSTEM TRUST AND OTHER POST EMPLOYMENT BENEFITS PLAN TRUST**

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

WHEREAS, The Board of Education Audit Committee recommends revisions to the Montgomery County Public Schools Retirement System Trust Agreement and Other Post Employment Benefits Plan Trust to be amended to incorporate language into Section 6.1, Term of Trust Agreement. The additional language states, "In the event any assets remain in the Other Post Employee Benefits Trust upon termination and dissolution, those assets may in no event be distributed to any person or entity other than an organization the income of which is excluded from gross income under Code section 115(1)."; now therefore be it

Resolved, That the Amended and Restated Trust Agreement for the Montgomery County Public Schools Retirement System Trust and Other Post Employment Benefits Plan Trust

be amended to incorporate additional language into Section 6.1; and be it further

Resolved, That the Board of Education adopt the Amended and Restated Trust Agreement for the Montgomery County Public Schools Retirement System Trust and Other Post Employment Benefits Plan Trust, effective July 1, 2007, a copy of which has been submitted to the Board of Education, and authorize the execution of the Trust Agreement; and be it further

Resolved, That the Board of Education authorize the superintendent of schools to take such further action as necessary to carry out the intent and accomplish the purpose of the foregoing resolution.

**Re: THE M-STAT PROCESS**

Dr. Weast invited the following people to the table: Mr. Stephen L. Bedford, chief school performance officer, Office of School Performance; Mr. Adrian B. Talley, community superintendent, Office of School Performance; and Mr. Sean W. Bulson, principal, Bethesda-Chevy Chase High School. Present in the audience and available for questions were Mr. Peter J. Cahall, director of school performance, Office of School Performance; Dr. Edward Newsome Jr., director of school performance, Office of School Performance; and Mrs. Carol H. Blum, director, high school instruction and achievement, Office of Curriculum and Instructional Programs.

The Montgomery County Public Schools (MCPS) has developed and is implementing M-Stat, a comprehensive process that provides ongoing access to quantifiable evidence of student progress toward identified key targets and a forum for in-depth analysis and action planning. The M-Stat process is an essential element in the systematic and systemic monitoring of critical student achievement data, with particular focus on closing the achievement gap for African American and Hispanic students by the executive leadership team, as well as school-based and central office leaders. It comprises a number of components designed to advance the MCPS mission, *To provide a high-quality, world-class education that ensures success for every student through excellence in teaching and learning*. Through the analytical examination of data, strategies, and practices, as well as the relentless pursuit of equity, MCPS strives to reach the goal of student achievement for key data points that is no longer predictable by race.

Most recently, hHonors and Advanced Placement (AP) course enrollment and performance was the topic of the December 6, 2007, M-Stat meeting, which included high school principals, high school resource counselors, the executive leadership team, and central office staff. Factors contributing to increasing rigorous course work for all students as well as closing the achievement gap were analyzed, targeted action plans for systemic improvement in meeting the MCPS targets were shared, and best practices were recognized and later disseminated to staff in schools.



**Re: DISCUSSION**

Mr. Barclay noted that the feeder school to Bethesda-Chevy Chase High School (B-CC) is Westland Middle School, which has a Middle Years International Baccalaureate (IB) program. Therefore, the students coming to B-CC are well prepared academically. Also, B-CC has a lot of good supports, and Mr. Barclay hoped that the conversations would center around those type of supports in other schools. What have been the results at B-CC with all Westland students taking gifted and talented (GT) English? Mr. Bulson replied that the most significant IB enrollment factor is peer pressure among students. Westland believes that their students can do it, and B-CC repeats that confidence in the students.

Ms. Navarro asked the student how she achieved her level of success, and what made the difference. The student replied that there was an assembly to explain the program and enrollment procedures. Also, those students taking the IB course encouraged her.

Ms. Cox inquired about the M-Stat process and how deeply the system delves to reveal those processes that can be replicated, such as preparation prior to high school. Does staff look at historical data on how the students were prepared for high school? Are the best practices identified based on the high school students success rate? Staff replied that the Department of Shared Accountability (DSA) does an analysis of the data. However, every school believes that it has a best practice for instruction delivery.

Ms. Cox asked if there were practices identified through the M-Stat process that were referred to DSA for analysis and review. Staff believed that there is a need to identify the preparation that leads to success. Ms. Cox thought the system was in the place to identify and develop capacity to analyze what is being done in the individual courses, and the system is not ready to replicate specific strategies. Staff explained that they are still working and gathering ideas to share.

Dr. Docca commented that she attended the assembly for African American and Latino students, and it was very exciting to hear what the students had learned about the programs. It was great that the school did not have to use a teacher recommendation. One last thing was to have all students in the same level of advanced English.

Ms. Brandman asked about building the link from enrollment to performance, which seems to be the critical issue. How do we build the link and how does the system assess the supports that are needed. What is the impact on the classes where students are not in Honors or AP? Staff wants to eliminate the gate keeping and sorting of students. It is better to take risks with supports for students to stretch themselves toward success. Therefore, the schools are working toward high enrollment with high performance.

Mr. Barclay commented that there is intentional performance in business. Things are very clearly stated on the intention of the plan and the expected performance. Throughout the school system, there are significant different populations, and Mr. Barclay was interested

in understanding how the system is doing at another school, for example Paint Branch High School. Since there is a difference in the resources available to families, Mr. Barclay wanted to know what the system was doing along those lines. Staff agreed that the schools are different within the system. Mr. Barclay noted that the schools with a larger population of African American and Latino students should highlight their successes because the expectation is that there would not be a high level of success. How do we make it happen? How is success for students replicated? Staff replied that the last M-Stat meeting focused on the enrollment and participation in Algebra I at the middle school level. One of the schools put huge numbers of students in the classes, but there were a few children who they were worried about. These children were given support and other students increased their work in order to achieve and be successful.

Ms. Cox inquired about connections beyond schools. Are there other data elements for the schools to look at? Staff replied that, in school visits, the question always is how the students are enrolled in Honors and AP courses. The principals needs to talk about the process and procedure.

Ms. Cox asked if staff was reviewing the M-Stat process for other levels, such as elementary school. Staff stated that what is learned can be replicated for every school. Also, the principal can use the drill down process within the school. Quad-cluster meetings is a place where best practices are shared.

Mr. Moskowitz commented that students want access to the higher- level classes. The most important factor for enrollment should be the student's motivation, along with the advice of the counselor and teacher.

RESOLUTION NO. 62-08

Re: **CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Tuesday, March 11, 2008, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 1:00 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 63-08                      Re:    **REPORT OF CLOSED SESSION**

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

On February 5, 2008, by unanimous vote of members present, the Board of Education voted to conduct a closed session, as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed session on February 5, 2008, from 9:00 to 9:35 a.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeal in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2008-1.
2. Discussed the Human Resources Monthly Report and Appointment with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
3. Received legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*.
4. Discussed matters of an administrative function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed sessions were Steve Abrams, Aggie Alvez, Christopher Barclay, Steve Bedford, Larry Bowers, Shirley Brandman, Sharon Cox, Brian Edwards, Roland Ikheloa, Suzann King, Kristen Koger, Don Kopp, Frieda Lacey, Susan Marks, Ben Moskowitz, Nancy Navarro, Pat O'Neill, Glenda Rose, and Jerry Weast.

RESOLUTION NO. 64-08                      Re:    **APPEALS**

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

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

Resolved, That the Board of Education hereby decides the following appeals reflective of the Board members' votes in closed session, the disposition of which will be recorded in

the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
2008-4	Student Placement	Affirmed
T-2008-1	Student Transfer	Affirmed

Re: **NEW BUSINESS**

Dr. Docca wanted quantifiable evidence of student progress to identify key targets in a form for in-depth analysis and action planning from the M-Stat Process. She would like to see the eligibility and suspension reports by race and sex.

RESOLUTION NO. 65-08 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of February 25, 2008, at 9:45 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

Resolution	Abrams	Barclay	Brandman	Cox	Docca	Moskowitz	Navarro	O'Neill
RECOMMENDATION TO APPROVE THE AGREEMENT WITH THE MONTGOMERY COUNTY BUSINESS AND OPERATIONS ADMINISTRATORS	A	A	A	A	A	A	A	O

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

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