

APPROVED
20-2009

Rockville, Maryland
July 27, 2009

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on Monday, July 27, 2009, at 7:10 p.m.

Present: Ms. Shirley Brandman, President
in the Chair
Ms. Laura Berthiaume
Dr. Judy Docca
Mr. Michael Durso
Mr. Timothy Hwang
Mr. Philip Kauffman
Mrs. Patricia O'Neill
Dr. Jerry Weast, Secretary/Treasurer

Absent: Mr. Christopher Barclay

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

RESOLUTION NO. 353-09 Re: **RESOLUTION FOR CLOSED SESSION**

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

WHEREAS, The Board of Education of Montgomery County is authorized by the *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 July 27, 2009, in Room 120 from 5:30 to 6:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Human Resources Appointments and 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 of Montgomery County dedicate part of the closed session on July 27, 2009, to acquit its administrative functions and receive legal advice as it adjudicates 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 this closed session continue 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. 354-09 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for July 27, 2009.

Re: **PUBLIC COMMENTS**

The following people spoke before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Joanne Ugolini	Services to Children with Illnesses
2.	Elisabeth Ugolini	Helping Children with Chronic Illness
3.	Margot Bloch	Piney Branch Elem. Dishwasher Proposal
4.	Nadine Bloch	Piney Branch Elem. Dishwasher Proposal
5.	Julian Parish-Katz	Piney Branch Elem. Dishwasher Proposal
6.	Heather DeMocker	Pilot Reusable trays at Piney Branch
7.	Brenda Platt	Pilot Reusable Trays at Piney Branch
8.	Chimey Sonam	Pilot Reusable Trays at Piney Branch

Ms. Berthiaume wanted to know about the availability of honors courses to Home and Hospital Teaching Program students, and how the courses are accessed. What plans and systems are in place to ensure a relatively seamless educational experience for children whose long-term chronic conditions require more than a month or two of home and hospital teaching? How do we measure client (meaning student and parent) satisfaction with Home and Hospital Teaching services?

Mr. Kauffman asked about the dishwasher proposal from the Young Activist Club at Piney Branch Elementary School. Could staff explain the differences in costs between the proposal and the staff response? Are there policies or statutes about donating equipment and labor costs? What are the operational costs—specifically, how much labor will be involved, from staff's perspective?

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Hwang reported that he and Mr. Durso had just finished orientation for new Board members. Earlier today, Drive for Supplies celebrated its 10th anniversary by collecting a

record 15,021 pounds of school supplies, an increase from last year of 40 percent. This year, 62 schools, along with several MCPS offices and local businesses, participated in collecting supplies that include paper, books, notebooks, pens, pencils, and more.

Dr. Weast comment on the Drive for Supplies. Many students earned Student Service Learning hours over the summer by sorting, boxing, and weighing the donated supplies. Drive for Supplies is a collaboration between Learn Shop, Inc., and MCPS. The program not only teaches students the importance of recycling and reducing landfill waste, but also teaches them that they can have a direct impact on communities by donating their reusable school supplies to local, national, and international schools and organizations. MCPS schools, individual families, and nonprofit agencies may pick up free supplies for students who need them at Richard Montgomery High School from 10 a.m. until 8 p.m. on July 29.

Dr. Weast continued that last week, nearly 50 students from Gaithersburg and Washington Grove elementary schools traveled to the United States Department of Education to participate in a reading event with U.S. Secretary of Education Arne Duncan and Marian Robinson, the mother of First Lady Michelle Obama. The event was part of USDE's summer reading campaign—"Read to the Top!"—that aims to combat losses in reading achievement over the summer months.

RESOLUTION NO. 355-09 Re: **CONTRACTS OF \$25,000 OR MORE**

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

WHEREAS, 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 will be awarded to the low bidders meeting specifications as shown below:

4261.1	Youth Violence Prevention Program	
	<u>Awardee</u>	
	Mental Health Association	\$ 62,500
4262.1	School-based Partnership with Gaithersburg High School	
	<u>Awardee</u>	
	Identity, Inc.	\$ 62,500
9183.3	Waste Compactor Replacements at Various Facilities—Supplement**	

	<u>Awardees</u> (See note)	
	Big Stuff, Inc.	
	Mid Atlantic Waste Systems, Inc.	
	Total	\$ 50,000
9190.3	Restroom Partition Replacement at Various Locations—Supplement**	
	<u>Awardee</u>	
	Partition Plus, Inc.*	\$150,000
9302.4	Installation of Carpeting, Resilient Flooring, and Accessories—Supplement**	
	<u>Awardee</u>	
	Carpet Experts, Inc.*	\$300,000
9320.2	Library Security System Replacements—Supplement**	
	<u>Awardees</u> (See note)	
	3M Company	
	Integrated Technology Group*	
	Total	\$100,000
9537.3	Frozen Foods	
	<u>Awardees</u>	
	Dori Foods, Inc.	\$ 2,785
	Feesers, Inc.	11,353
	Integrated Food Service	121,100
	J.R. Simplot Company	42,750
	Kellogg's Food Away From Home	181,970
	McCain Foods USA	44,400
	Midas Foods International	27,820
	PFG-Carroll County Foods, Inc.*	999
	Seven Seas Restaurant*	1,605
	Summers Food Brokers*	<u>37,766</u>
	Total	\$472,548
9618.1	Restroom Renovations at Various Locations—Supplement**	
	<u>Awardee</u>	
	Smith & Haines, Inc.	\$350,000

9637.1	Fire Alarm Replacement at Various Locations—Supplement**	
	<u>Awardee</u>	
	SPC, Inc.	\$200,000
9701.1	Specialty Cementitious Coatings at Various Locations—Supplement**	
	<u>Awardee</u>	
	Walker Willis/T/A Custom Masonry	\$ 100,000
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$1,847,548

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 356-09 Re: **AWARD OF CONTRACT – DOWNCOUNTY CONSORTIUM ELEMENTARY SCHOOL #29 (MCKENNEY HILLS) DEMOLITION**

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

WHEREAS, The following sealed bids were received July 1, 2009, for the Downcounty Consortium Elementary School #29 (McKenney Hills) demolition project:

<u>Bidder</u>	<u>Amount</u>
Strittmatter Contracting, LLC	\$157,500
Pleasants Construction, Inc.	275,000
Trisource Contracting, LLC	289,400
Ross Contracting, Inc.	356,335
The Berg Corporation	369,875

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 5 percent; and

WHEREAS, The low bidder, Strittmatter Contracting, LLC, has submitted 6.5 percent African American Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Strittmatter Contracting, LLC has completed similar work successfully for other jurisdictions; now therefore be it

Resolved, That a \$157,500 contract be awarded to Strittmatter Contracting, LLC, for the Downcounty Consortium Elementary School #29 (McKenney Hills) demolition project, in accordance with drawings and specifications prepared by Adtek Engineers, Inc.

RESOLUTION NO. 357-09

Re: **PAINT BRANCH HIGH SCHOOL –
ACQUISITION OF AIRY HILL LOCAL PARK
AND MEMORANDUM OF UNDERSTANDING**

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

WHEREAS, A feasibility study determined that the most cost effective approach for redevelopment of the Paint Branch High School site, as part of a modernization to be completed in August 2013, would be to incorporate the undeveloped 11.32-acre Airy Hill Local Park property; and

WHEREAS, The Airy Hill Local Park property would sufficiently expand the high school site to allow students to remain at the existing facility during the construction period and provide increased opportunities for future community recreation; and

WHEREAS, The Maryland-National Capital Park and Planning Commission acquired the Airy Hill Local Park in 1999 with the intent to improve the property for school and local park recreation purposes, in accordance with the adopted Fairland Master Plan of 1997; and

WHEREAS, The Montgomery County Planning Board, on September 28, 2006, approved the conveyance of Airy Hill Local Park to the Board of Education with the condition that the Board compensate the Maryland-National Capital Park and Planning Commission for the acquisition of the property, plus interest through the holding period, calculated as of July 31, 2008, to be \$1,114,782.02; and

WHEREAS, The Montgomery County Planning Board, on March 5, 2009, approved the Mandatory Referral for the Paint Branch High School modernization with the condition that

prior to the conveyance of Airy Hill Local Park, the Board of Education execute a Memorandum of Understanding with the Interagency Coordinating Board that assures adequate community use of the recreation facilities on the school property; and

WHEREAS, A Memorandum of Understanding has been drafted which includes a commitment that allows for community use of three athletic fields at times when school is not in session; and

WHEREAS, Funds are available in the modernization project for the acquisition of the property; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to accept a Deed for the purchase of the Airy Hill Local Park in the amount of \$1,114,782.02; and be it further

Resolved, That the president and secretary of the Board of Education be authorized to execute a Memorandum of Understanding with the Interagency Coordinating Board that assures adequate community use of the recreation facilities on the school property.

RESOLUTION NO. 358-09 Re: **FY 2009 OPERATING BUDGET
CATEGORICAL TRANSFER**

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

WHEREAS, Category 7, Student Personnel Services, reflected a deficit as of June 30, 2009, as a result of lower than expected lapse and turnover savings; and

WHEREAS, Category 12, Fixed Charges, reflected a deficit as of June 30, 2009, as a result of higher than anticipated costs for health insurance for active and retired employees, increased costs of tuition reimbursement for employees, and an increased contribution to the Employee Benefit Plan; and

WHEREAS, The required funds are available for transfer from Category 1, Administration; Category 2, Mid-level Administration; and Category 9, Student Transportation; and

WHEREAS, Category 12, Fixed Charges, reflected a deficit in grant funds as of June 30, 2009, as a result of higher than anticipated costs for employee benefits in the *Individuals with Disabilities Education Act* Grant; and

WHEREAS, The required funds are available for transfer from grant funds in Category 6, Special Education; now therefore be it

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following categorical transfers:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
1	Administration		\$1,500,000
2	Mid-level Administration		3,000,000
7	Student Personnel Services	\$200,000	
9	Student Transportation		<u>3,200,000</u>
12	Fixed Charges	7,500,000	
	Total	<u>\$7,700,000</u>	<u>\$7,700,000</u>

and be it further

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following categorical transfer in grant funds:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
6	Special Education		<u>\$1,205,000</u>
12	Fixed Charges	<u>\$1,205,000</u>	
	Total	<u>\$1,205,000</u>	<u>\$1,205,000</u>

and be it further

Resolved, That the county executive and County Council be given a copy of this resolution; and be it further

Resolved, That the county executive be requested to recommend approval of the categorical transfers to the County Council.

RESOLUTION NO. 359-09 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 28, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Bronda Mills	Director of School Performance	Community Superintendent

RESOLUTION NO. 360-09 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Shawn Joseph	Principal, Roberto W. Clemente MS	Director of School Performance

RESOLUTION NO. 361-09 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 28, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Sundra Mann	Assistant Principal, Ridgeview MS	Magnet Coordinator, Argyle MS

**Re: MSAS – IMPLICATIONS OF MSDE'S
DIFFERENTIATED ACCOUNTABILITY PILOT**

Dr. Weast invited the following people to the table: Ms. Bronda L. Mills, acting community superintendent, Office of School Performance; Dr. Myra J. Smith, director of school performance, Office of School Performance; and Ms. Grace Chesney, supervisor, Office of Shared Accountability.

The United States Department of Education (USDE) invited state education departments to pilot alternative school improvement identification models. As a result, USDE approved the Maryland State Department of Education's (MSDE's) Differentiated Accountability Pilot proposal in July 2008 to operate for a three-year period. The Differentiated Accountability Pilot will be fully implemented in the 2009–10 school year as a new way for MSDE to identify schools for improvement when they do not achieve Adequate Yearly Progress (AYP). MSDE wanted to differentiate district-level involvement in the school improvement process, requiring earlier interventions than with the standard *No Child Left Behind Act of 2001* (NCLB) model and provide new categories for the labeling of schools in improvement that more accurately reflect school status. As a condition of approval, MSDE was required to maintain a system that parallels the NCLB model, but was allowed to differentiate alternative pathways for identification, supports, and interventions.

The Differentiated Accountability Pilot focuses on the following three areas:

1. Labels used to identify a school for improvement
2. Number of subgroups that do not meet the targets as the basis for identification of the level of school improvement
3. Supports and interventions

Re: **DISCUSSION**

Mr. Hwang inquired about the district requirements and how the system is changing the way the school operates. Staff explained that the Baldrige process changes the school improvement plans with more targeted and specific needs of students utilizing staff capacity. That process has progressed into very specific action plans.

Mr. Hwang asked what is being done for the students. Staff stated that students benefit and grow when the system maximizes the capacity of staff. Students' needs are addressed through interventions with specific targets for instruction. Staff added that the staff needs to be changed when the system gets down to school restructuring after five to six years of the school not meeting the state's target. Furthermore, professional development is always included in school improvement plans.

Mrs. O'Neill pointed out that MCPS has never gotten to the point where the state takes over the school. Would this result in a public charter school? Staff replied that that option has been removed, i.e., the state taking over a school. Mrs. O'Neill noted that there are 19 categories for a school to fall with a cohort of five students whereas other states use cohorts of as much as 50 students. She thanked the principals and teachers for working hard to ensure that students achieve.

Ms. Brandman asked about the pilot since the system already had its model for interventions. Is there anything that is different in terms of how the system supports schools? Staff stated that the difference is using the state's inventory when a school first enters "alert" on comprehensive needs. This requires a written report to the state.

Mr. Durso asked how a principal keeps staff encouraged when the school does not make Adequate Yearly Progress. Staff stated that a strong staff encouraged them that AYP would be overcome. Drilling down into the data, it was apparent that there was not enough staff development for special and general education teachers to work together in terms of co-teaching and differentiation of instruction.

RESOLUTION NO. 362-09

Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by

Mr. Kauffman, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the *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 Thursday, August 27, 2009, in Room 120 of the Carver Educational Services Center to meet from 9:00 a.m. to 1:00 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 administrative 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 meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 363-09 Re: **REPORT OF CLOSED SESSION**

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

On July 14, 2009, by unanimous vote of members present, the Board of Education voted to conduct a closed session as permitted under the State Government Article Section 10-501, et seq., of the Annotated Code of Maryland.

The Montgomery County Board of Education met in closed sessions on July 14, 2009, from 9:00 to 10:00 a.m. and 12:50 to 1:55 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and approved the closed session minutes from May 12, 18, and 6, 2009, which is outside the purview of the Open Meetings Act (Section 10-503(a) of the State Government Article).
2. Reviewed and considered the following appeals with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the State Government Article): T-2009-12, T-2009-13, T-2009-14, T-2009-15, T-2009-16, T-2009-17, NEC-2009-18, 2009-8, 2009-9, 2009-10, and 2009-11.
3. Discussed the appointments to the Board's committees (Communications and Public Engagement, Policy, and Strategic Planning) with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the State Government Article.

4. Discussed matters of an administrative function (MABE resolutions, strategy planning regarding the local and state economic status and county's building moratorium) which were outside the purview of the Open Meetings Act (Section 10-503(a) of the State Government Article).

In attendance at these closed sessions were Christopher Barclay, Steve Bedford, Laura Berthiaume, Larry Bowers, Shirley Brandman, Patrick Clancy, Bruce Crispell, Judy Docca, Michael Durso, Brian Edwards, Timothy Hwang, Roland Ikheloa, Phil Kauffman, LaVerne Kimball, Suzann King, Frieda Lacey, Joe Lavorgna, Erick Lang, Susan Marks, Patricia O'Neill, Glenda Rose, Stacy Scott, Laura Steinberg, and Jerry Weast.

RESOLUTION NO. 364-09 Re: **APPEALS**

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

WHEREAS, 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 of the Annotated Code of Maryland*; 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>
T-2009-19	Student Transfer	Dismissed
T-2009-20	Student Transfer	Affirmed
T-2009-22	Student Transfer	Affirmed
DCC-2009-23	Student Assignment	Affirmed
DCC-2009-24	Student Assignment	Affirmed
2009-12	IB Program	Affirmed
2009-13	Alternative Placement	Affirmed
2009-14	Alternative Placement	Affirmed
2009-15	Complaint from the Public	Affirmed
2009-16	Early Entrance to Kindergarten	Affirmed
2009-17	Early Entrance to Kindergarten	Affirmed

RESOLUTION NO. 365-09Re: **SPECIAL EDUCATION CONTINUOUS
IMPROVEMENT TEAM ADVISORY
COMMITTEE**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by

Mr. Kauffman, the following resolution was adopted unanimously by members present:

WHEREAS, the Board of Education's Special Education Continuous Improvement Team Advisory Committee (SECIT) is charged with reviewing issues and instructional programs designed to meet the needs of students who require special education services; and

WHEREAS, Since its inception, SECIT has been working diligently, consistent with the Board's charge, reviewing special education programs, meeting with the Board's Committee on Special Populations, and working with Montgomery County Public Schools; and

WHEREAS, The term and membership of SECIT expired on June 30, 2009; now therefore be it

Resolved, That pursuant to Policy BMA, *Board of Education Advisory Committees*, and consistent with Board Resolution 621-03, the Board extends the tenure of the Special Education Continuous Improvement Team Advisory Committee and its membership for a one-year term ending on June 30, 2010.

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 366-09 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of July 27, 2009, at 8:40 p.m.

PRESIDENT

SECRETARY

JDW:gr