

APPROVED  
20-2011

Rockville, Maryland  
August 24, 2011

The Board of Education of Montgomery County held a business meeting and closed session at the Carver Educational Services Center, Rockville, Maryland, on August 24, 2011, beginning at 9:09 a.m.

Present: Mr. Christopher Barclay, President  
in the Chair  
Ms. Laura Berthiaume  
Ms. Shirley Brandman  
Mr. Michael Durso  
Mr. Philip Kauffman  
Mrs. Patricia O'Neill  
Mr. Alan Xie  
Dr. Joshua Starr, Secretary/Treasurer

Absent: Dr. Judy Docca

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

The Board of Education convened with a quorum in open session at 9:09 a.m.

RESOLUTION NO. 409-11 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mr. Kauffman, the following revised 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 conducts a closed session on August 24, 2011, in Room 120 from 9:00 to 11:30 a.m.; and be it further

Resolved, That the Board of Education of Montgomery County discusses the Monthly Human Resources and Development Report and Appointments 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 selects Board members for the Maryland Association of Boards of Education Committees and Consolidated Retiree Health Trust Board of Trustees, which is an administrative function and outside the purview of the *Open Meetings Act*, and to the extent it may fall within the purview of

the Act, as permitted under Section 10-508(a)(ii) of the *State Government Article* as a personnel matter that affects one or more specific individuals; and be it further

Resolved, That the Board of Education of Montgomery County receives legal advice concerning a recent Opinion of the Open Meetings Compliance Board and legal advice regarding pending litigation as permitted under Section 10-508(a)(7) and Section 10-508(a)(8) respectively of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicates part of the closed session on August 24, 2011, to acquit its administrative functions, discuss superintendent's transition and entry plans, which are administrative functions outside the purview of the Open Meetings Act; and be it further

Resolved, That the Board receives legal advice as the Board adjudicates and reviews appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* and as permitted by Section 10-508(a)(7) of the *State Government Article*; and be it further

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

The Board of Education met in closed session from 9:10 to 11:26 a.m. After a nine minute break, the Board reconvened in open session at 11:35 a.m.

**To view specific sections or the entire meeting, please watch at**  
<http://www.montgomeryschoolsmd.org/boe/meetings/archive/2011/2011-0824.shtm>

Re: **PLEDGE OF ALLEGIANCE**

The Board of Education, staff, and community members recited the Pledge.

RESOLUTION NO. 410-11      Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for August 24, 2011.

RESOLUTION NO. 411-11      **RECOGNITION OF THE MONTGOMERY COUNTY  
PUBLIC SCHOOLS EDUCATIONAL FOUNDATION,  
INC.**

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

WHEREAS, The Montgomery County Public Schools Educational Foundation, Inc. has provided academic enrichment opportunities for Montgomery County Public Schools students for more than twenty years; and

WHEREAS, The Foundation is committed to providing opportunities to attend college for Montgomery County Public Schools graduates who otherwise would not be able to go to college without this financial assistance; and

WHEREAS, The Foundation has awarded more than \$1,325,000 in scholarships to financially needy Montgomery County Public Schools graduates; now therefore be it

Resolved, That the Board of Education recognizes the Montgomery County Public Schools Educational Foundation, Inc. and all the members of the Foundation's Board of Directors for their commitment and dedication to the students of Montgomery County Public Schools; and be it further

Resolved, That the Board of Education congratulates the Foundation on another successful scholarship campaign this year awarding scholarships to Montgomery County Public Schools graduates in need of financial assistance to attend college; and be it further

Resolved, That the Board of Education encourages Montgomery County businesses and citizens to contribute to the Foundation so that more of our students who would not be able to attend college without the Foundation's financial assistance can do so.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Troy Kimmel	Farquhar Modernization
2. James Pekar	B-CC Middle School #2
3. Beth D'Angostino	B-CC Middle School #2
4. Cathy Fink	B-CC Middle School #2

Mr. Kauffman inquired about the land swap for the modernization of Farquhar Middle School. Is it consistent with the Olney Master Plan? What is the process if the recommendation is inconsistent with the Master Plan?

Re: **BOARD/SUPERINTENDENT COMMENTS**

Board members commented on the following topics:

- Rocking Horse Road Center
- Construction delays based on the recent weather
- Back-to-School Fair
- The orientation for new teachers

- New Loss of Credit regulation
- Excitement for the new school year

Dr. Starr reported on the following subjects:

- Dates set for "Listen and Lean" events
- MCPS Class of 2011 makes strong showing on ACT
- New educators gear up for first year in MCPS
- Back-to-School Fair – August 27, 2011

RESOLUTION NO. 412-11            Re:    **CONTRACTS OF \$25,000 OR MORE**

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

WHEREAS, Funds have been budgeted for the purchase of equipment, supplies, and contractual services; and

WHEREAS, Funds have been budgeted for the lease/purchase of off-the-lot, new vehicles through Bid No. 0367000079; and

WHEREAS, Funds have been budgeted for the lease/purchase of used copier equipment previously awarded through Bid No. 4247.1, at the May 10, 2011, Board of Education meeting; and

WHEREAS, The acquisition of off-the-lot, new vehicles and used copier equipment through the lease/purchase agreement has been reviewed by legal counsel; now therefore be it

Resolved, That off-the-lot, new vehicles in the amount of \$20,940 be lease/purchased for a four-year term under the Master Lease/Purchase Agreement with Banc of America Public Capital Corporation; and be it further

Resolved, That off-the-lot, new vehicles in the amount of \$58,820 be lease/purchased for a five-year term under the Master Lease/Purchase Agreement with Banc of America Public Capital Corporation; and be it further

Resolved, That used copier equipment in the amount of \$315,000 be lease/purchased for a three-year term under the Master Lease/Purchase Agreement with Banc of America Public Capital Corporation; and be it further

Resolved, That the proceeds from the aforementioned financing be used to reimburse Montgomery County Public Schools accounts to the extent that such equipment has been or will be acquired before closing; and be it further

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute the documents necessary for these transactions; and be it further

Resolved, That having been duly advertised, the following contracts will be awarded to the low bidders meeting specifications as shown below:

0367000079 Off-the-Lot, New Vehicles

	<u>Awardees</u>	
	Criswell Automotive, Inc.	\$ 20,940
	Lindsay Ford, LLC	<u>58,820</u>
	Total	\$ 79,760
MBU-52 8-11	Ice Cream—Extension	
	<u>Awardee</u>	
	Briggs Ice Cream	\$155,000
RQ08-92 0588-69A	Remanufactured/Recycled Toner Cartridges and Related Items/Services—Extension	
	<u>Awardee</u>	
	EIS Office Solutions, Inc.*	\$400,000
RQ09-99 7297-21-D	Exercise Equipment, Accessories, and Parts—Extension	
	<u>Awardee</u>	
	Heartline Fitness Products	\$ 40,000
RQ10-14 2378-59A-D	Large Kitchen Equipment	
	<u>Awardee</u>	
	Calico Industries, Inc.	\$ 59,700
1056.2	Unemployment Insurance Cost Control Program—Extension	
	<u>Awardee</u>	
	Unemployment Tax Service, Inc.	\$ 25,000
4095.5	Lamps	
	<u>Awardees</u>	
	Capital Lighting and Supply	\$ 12,105
	C. N. Robinson Lighting Supply Company	45,109
	Competitive Edge	4,447

	Scott Electric	8,877
	Shepherd Electric Supply	5,592
	Vehicle Maintenance Program, Inc.*	1,013
	Video Service of America, Inc.	<u>6,244</u>
	Total	\$ 83,387
4169.1	Subscription Fee for Automated Reading Assessments—Extension	
	<u>Awardee</u>	
	Wireless Generation	\$ 52,228
4247.1	Previously Owned Copiers Using Lease/Purchase Financing	
	<u>Awardees</u> (See note)	
	Capitol Document Solutions	
	Copiers Plus, Inc.	
	Greater Philadelphia Equipment Company	
	Ricoh Business Solutions	
	Total	\$315,000
4277.1	Administrative Cost for Medicaid Program—Extension	
	<u>Awardee</u>	
	Maryland State Department of Education	\$100,000
4293.1	Marriott Foundation Partnership—Extension	
	<u>Awardee</u>	
	Marriott Foundation for People	\$ 60,000
4304.1	Hearing and Vision Audio Equipment—Extension	
	<u>Awardee</u>	
	Phonak, Inc.	\$ 80,157
4306.1	Implementation Services Under the Autism Waiver—Extension	
	<u>Awardee</u>	
	Department of Health and Human Services	\$425,000
7085.3	Information Technology Support and Integration Services—Extension	
	<u>Awardees</u> (See note)	
	Data Networks	
	Ease Technologies, Inc.	
	Net Results, Inc.	

	Ciber, Inc.	
	BellTech Logix	
	Total	\$200,000
7194.1	Projectors for Classroom and Auditoriums—Extension	
	<u>Awardees</u>	
	CDW Government, LLC	\$ 38,889
	Nicholas P. Pipino Associates, Inc.	<u>36,268</u>
	Total	\$75,157
7920.1	Tech Mod Miscellaneous Equipment	
	<u>Awardee</u>	
	Fox Micro International, Inc.	\$ 70,000
9013.8	Industrial and Technology Hand Tools—Extension	
	<u>Awardees</u>	
	Electronix Express	\$ 6,691
	Fastenal Company	28,200
	Liberty Lumber & Supply Company	1,000
	Metco	8,057
	Paxton/Patterson, LLC	8,107
	Powerhouse Tool & Supply, Inc.*	19,727
	Republic Drill/APT Corporation	85,627
	School Specialty	<u>1,500</u>
	Total	\$158,909
9159.4	Metal Doors, Frames, Windows, and Accessories**	
	<u>Awardee</u>	
	Metro Metal Services, Inc.	\$700,000
9181.4	Masonry Thru-Wall Flashing and Waterproofing**	
	<u>Awardee</u>	
	Walker Willis/T/A Custom Masonry	\$700,000
9183.4	Waste Compactor Replacements at Various Facilities—Extension**	
	<u>Awardee</u>	
	Big Stuff, Inc.	\$ 78,323
9302.4	Installation of Carpeting, Resilient Flooring, and Accessories**	

	<u>Awardee</u> Carpets Experts, Inc.*	\$200,000
9434.1	Pump, Clean, and Inspection of Grease Interceptors	
	<u>Awardee</u> Apex Environmental, Inc.	\$ 60,000
9620.3	Replace Acoustical Suspended Ceiling Systems at Various Locations**	
	<u>Awardee</u> Unisource Services, LLC*	\$450,000
9712.1	Electrical Main Breaker at Fallsmead Elementary School	
	<u>Awardee</u> NZI Construction Corporation*	\$ 46,770
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$4,614,391

\* 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. 413-11      Re:    **ACCEPTANCE OF TAKOMA PARK  
ELEMENTARY SCHOOL ADDITION  
PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board president Christopher S. Barclay inspected the Takoma Park Elementary School addition project on Tuesday, July 26, 2011; now therefore be it

Resolved, That the Board of Education accepts the Takoma Park Elementary School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the drawings and specifications, and all contract requirements have been met.



RESOLUTION NO. 414-11

Re: **AWARD OF CONTRACT—ELECTRIC  
SUPPLY PORTFOLIO MANAGEMENT**

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

WHEREAS, In 2007, the Board of Education authorized the transition to a wholesale portfolio method of procuring electric supply; and

WHEREAS, This wholesale portfolio procurement method for electric supply has proved very beneficial, providing an average annual savings of approximately \$1 million; and

WHEREAS, Staff in the Department of Facilities Management recommends a continuation of this portfolio method of purchasing electric supply; and

WHEREAS, The Baltimore Regional Cooperative Purchasing Committee has competitively procured electric portfolio management services and selected Washington Gas Energy Services to be their contractor; and

WHEREAS, Montgomery County Public Schools can use this Baltimore Regional Cooperative Purchasing Committee contract as a basis to award an electric portfolio management services contract to Washington Gas Energy Services in accordance with procurement laws for local education agencies within the state of Maryland; and

WHEREAS, Washington Gas Energy Services offered to extend to Montgomery County Public Schools the same terms and conditions contained in the Baltimore Regional Cooperative Purchasing Committee contract at a favorable rate; and

WHEREAS, Washington Gas Energy Services has successfully executed other Montgomery County Public Schools' energy supply contracts in a satisfactory manner; and

WHEREAS, EnerNOC, Inc., the energy supply consultant for Montgomery County Public Schools, recommends the award of this contract based on an investigation of the previous performance of similar contracts of Washington Gas Energy Services; now therefore be it

Resolved, That a contract be awarded to Washington Gas Energy Services for electric supply portfolio management services in accordance with the terms and conditions of the Baltimore Regional Cooperative Purchasing Committee contract of July 2011 for the negotiated fee not to exceed \$220,000 per year.

RESOLUTION NO. 415-11

Re: **ARCHITECTURAL APPOINTMENT—  
CANDLEWOOD ELEMENTARY SCHOOL  
MODERNIZATION**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Candlewood Elementary School modernization project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$19,819,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2012 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Delmar Architects, P.A. as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Delmar Architects, P.A. to provide professional architectural and engineering services for the Candlewood Elementary School modernization project for a fee of \$1,300,000.

RESOLUTION NO. 416-11

Re: **ARCHITECTURAL APPOINTMENT—  
CLARKSBURG CLUSTER ELEMENTARY  
SCHOOL (CLARKSBURG VILLAGE SITE #1)**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Clarksburg Cluster elementary school (Clarksburg Village Site #1) project; and

WHEREAS, The Clarksburg Cluster elementary school (Clarksburg Village Site #1) project will be the elementary school prototype design used at Great Seneca Creek, Little Bennett, and William B. Gibbs, Jr. elementary schools; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$21,023,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2012 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Grimm + Parker Architects as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Grimm + Parker Architects to provide professional architectural and engineering services for the Clarksburg Cluster elementary school (Clarksburg Village Site #1) project for a fee of \$825,000.

RESOLUTION NO. 417-11      Re:    **ARCHITECTURAL APPOINTMENT—ROCK CREEK FOREST ELEMENTARY SCHOOL MODERNIZATION PROJECT**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Rock Creek Forest Elementary School modernization project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$22,838,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2012 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Walton • Madden • Cooper • Robinson • Poness Inc. as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Walton • Madden • Cooper • Robinson • Pones Inc. to provide professional architectural and engineering services for the Rock Creek Forest Elementary School modernization project for a fee of \$1,130,000.

RESOLUTION NO. 418-11            Re:    **ARCHITECTURAL APPOINTMENT—  
WATERS LANDING ELEMENTARY SCHOOL  
ADDITION PROJECT**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Waters Landing Elementary School addition project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$5,242,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2012 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified The Lukmire Partnership as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with The Lukmire Partnership architectural firm to provide professional architectural and engineering services for the Waters Landing Elementary School addition project for a fee of \$450,000.

RESOLUTION NO. 419-11            Re:    **FISCAL YEAR 2012 SUPPLEMENTAL  
APPROPRIATION REQUEST FOR  
QUALIFIED ZONE ACADEMY BOND GRANT**

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

WHEREAS, On July 6, 2011, the Board of Public Works approved the Fiscal Year 2012 Qualified Zone Academy Bond program allocations for the jurisdictions that will participate in the program; and

WHEREAS, The allocations are based on each school district's proportion of the statewide pre-1970 building area that has not been renovated and its percentage of students eligible for the Free and Reduced-price Meals System program; and

WHEREAS, The Interagency Committee on Public School Construction and the Board of Public Works approved \$1,850,000 for Montgomery County Public Schools; and

WHEREAS, The State Public School Construction Program requires that the approved Qualified Zone Academy Bond projects be completed before reimbursement can occur; and

WHEREAS, A supplemental appropriation from the County Council is required to forward fund the Qualified Zone Academy Bond projects; and

WHEREAS, The Public School Construction Program will reimburse Montgomery County once the projects are complete; now therefore be it

Resolved, That the Board of Education requests a Fiscal Year 2012 supplemental appropriation and amendment to the Fiscal Year 2011–2016 Capital Improvements Program in the amount of \$1,850,000 to fund eligible projects in the Qualified Zone Academy Bond program; and be it further

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

RESOLUTION NO. 420-11            Re:    **WELLER ROAD ELEMENTARY SCHOOL—  
GRANT OF EASEMENT AND RIGHT-OF-  
WAY**

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Weller Road Elementary School, located at 3301 Weller Road in Silver Spring; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,021 square feet, is needed for the installation of a water main, meter vault, and appurtenances as a part of the school modernization project; and

WHEREAS, The Board of Education will assume responsibility for the initial expense and liability of damages or injury resulting from the installation as a part of the school construction project; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the expense and liability for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a permanent grant of easement and right-of-way of 1,021 square feet to the Washington Suburban Sanitary Commission at Weller Road Elementary School.

RESOLUTION NO. 421-11                      Re:    **AWARD OF CONTRACT CLARIFICATION—  
GAITHERSBURG HIGH SCHOOL  
MODERNIZATION**

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

WHEREAS, On February 15, 2011, the County Council approved a supplemental appropriation in the amount of \$8 million to fund the initial phase of the Gaithersburg High School modernization project in order to complete certain work in advance of the 2011–2012 school year in late August 2011; and

WHEREAS, The following sealed bids were received on February 16, 2011, and February 22, 2011, for the site work packages for the Gaithersburg High School modernization project:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Site Work—Ross Contracting, Inc.	\$17,300,000
15C-Geothermal System—Thermal Loop Corporation	4,749,000

and

WHEREAS, On March 8, 2011, the Board of Education awarded contracts to the low bidders for the initial phase of the construction of the Gaithersburg High School modernization project, with the balance of these contracts to be awarded contingent upon the County Council's approval of the Fiscal Year 2012 Capital Budget:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Site Work—Ross Contracting, Inc.	\$ 7,000,000
15C-Geothermal System—Thermal Loop Corporation	1,000,000

and

WHEREAS, On May 23, 2011, the Board of Education awarded the trade contracts for the balance of the Gaithersburg High School modernization project and a guaranteed price contract in the amount of \$93,402,140, to include the assignment of all trade contract awards, to Hess Construction + Engineering Services, contingent upon County Council approval of the Fiscal Year 2012 Capital Improvements Program; and

WHEREAS, The May 23, 2011, contract award did not specifically list award of the balance of the two contracts awarded on March 8, 2011; now therefore be it

Resolved, That the following contract balances be awarded for the construction of the Gaithersburg High School modernization, in accordance with drawings and specifications prepared by Samaha Associates, P.C.:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Site Work—Ross Contracting, Inc.	\$10,300,000
15C-Geothermal System—Thermal Loop Corporation	3,749,000

and be it further

Resolved, That the balances of two trade contracts awarded for the Gaithersburg High School modernization project be assigned to Hess Construction + Engineering Services as part of the previously awarded guaranteed price contract.

RESOLUTION NO. 422-11            Re:    **UTILIZATION OF THE FISCAL YEAR 2012  
PROVISION FOR FUTURE SUPPORTED  
PROJECTS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Brandman, 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. 17-150, approved May 26, 2011; and

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

WHEREAS, Sufficient appropriation is available, within the Fiscal Year 2012 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 by the Montgomery County Board of Education to receive and expend \$68,816 within the Fiscal Year 2012 Provision for Future Supported Projects, as specified below:

Project	Amount
National Institute of Standards and Technology Projects	\$ 30,000
Carl D. Perkins Career and Technical Education Act—Career and Technology Education Reserve Grant	38,816
Total	\$ 68,816

and be it further

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

RESOLUTION NO. 423-11      Re:    **TRUSTEE NOMINATIONS —  
CONSOLIDATED RETIREE HEALTH  
BENEFITS TRUST**

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

WHEREAS, The Board of Education has been requested to submit the names of the three nominees to Mr. Isiah Leggett, county executive, by August 26, 2011; now therefore be it

Resolved, That on the recommendation of the superintendent of schools, the Board of Education nominates Mr. Jonathan I. Grabel, Montgomery County Public Schools chief investment officer; Mr. Charles J. Overly, school business administrator, Gaithersburg High School; and Dr. Kenneth K. Muir, Montgomery County Public Schools retiree, to the Consolidated Retiree Health Benefits Trust; and be it further

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

RESOLUTION NO. 424-11      Re:    **HUMAN RESOURCES AND DEVELOPMENT  
MONTHLY REPORT**

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 educators and others who are employed by Montgomery County Public Schools are key partners in the important work and achievements of the school system; now therefore be it

Resolved, That the Board of Education approves the monthly Human Resources and Development Report with its listings identifying new employees, employee resignations, and other employee status updates; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting.

RESOLUTION NO. 425-11            Re:    **DEATH OF MS. JEAN A. CARTER,  
ADMINISTRATIVE SECRETARY I, DIVISION  
OF CAREER/TECHNOLOGY EDUCATION**

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

WHEREAS, The death on July 2, 2011, of Ms. Jean A. Carter, administrative secretary for the Division of Career/Technology Education, has deeply saddened the staff and members of the Board of Education; and

WHEREAS, During the 5.8 years Ms. Carter had worked for Montgomery County Public Schools, she exhibited her strength in her professional phone skills, and her pleasant demeanor; and

WHEREAS, She always attempted to accommodate urgent requests for support and that was greatly appreciated by her superiors and co-workers; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Ms. Carter and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Ms. Carter's family.

RESOLUTION NO. 426-11            Re:    **DEATH OF JOSEPH E. MARKAROFF, BUS  
ATTENDANT, SPECIAL EDUCATION,  
DEPARTMENT OF TRANSPORTATION-  
CLARKSBURG DEPOT**

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

WHEREAS, The death on July 12, 2011, of Mr. Joseph E. Markaroff, bus attendant with the Department of Transportation-Clarksburg Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 9.5 years with Montgomery County Public Schools, Mr. Joseph Markaroff was a very professional employee and dedicated to meeting the expectations of supervisors, school staff, parents and students; and

WHEREAS, Mr. Markaroff enjoyed his job as a special education bus attendant and his commitment to students was evident in his work ethics; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Mr. Markaroff and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Markaroff's family.

RESOLUTION NO. 427-11            Re:    **DEATH OF MR. MICHAEL MARTY,  
BUILDING SERVICE WORKER. SILVER  
SPRING INTERNATIONAL MIDDLE SCHOOL**

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 death on July 15, 2011, of Mr. Michael Marty, building service worker, Silver Spring International Middle School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 2.9 years with Montgomery County Public Schools, Mr. Michael Marty was a very polite and approachable employee and was a team player; and

WHEREAS, Mr. Marty was dedicated to his job and took pride in what he did every day; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Mr. Marty and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Marty's family.

RESOLUTION NO. 428-11            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, August 25, 2011:

**Kara B. Trenkamp**, currently instructional specialist, Office of the Chief Technology Officer, as supervisor, Teaching and Learning Initiatives, Office of the Chief Technology Office.

RESOLUTION NO. 429-11      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, August 25, 2011:

**Anne Taylor**, currently resource teacher, John F. Kennedy High School, as coordinator, Special Initiatives, Department of Enriched and Innovative Programs, Office of Curriculum and Instructional Programs.

Re:    **READINESS FOR OPENING SCHOOLS  
(ORAL)**

<http://www.montgomeryschoolsmd.org/boe/meetings/archive/2011/2011-0824.shtm>

\*\* Mr. Xie left the meeting at this point.

RESOLUTION NO. 430-11      Re:    **BOARD OF EDUCATION REDISTRICTING  
PLAN**

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, In accordance with the laws of Maryland, the boundaries of the five Board of Education districts in Montgomery County must be redrawn after each decennial census to bring the districts into conformance with the requirement for substantial equality of population; and

WHEREAS, The Board of Education has an opportunity to inform the county's delegation to Annapolis of its redistricting priorities and goals as the delegation develops a local bill for consideration by the Maryland General Assembly during the 2011 special session; now therefore be it

Resolved, That the Board of Education recommend Option 3 as its preferred redistricting plan to be submitted to the county's state legislative delegation for incorporation into a local bill to be introduced into the next session of the Maryland General Assembly.

Option 3 - Population variance of 7.9% and provides for greater future population growth in Districts 1 and 2 than in other districts. This option also primarily

reassigns areas from the more populated District 1 to District 2 and from the more populated District 2 to District 3. Alignment of school clusters to election districts is very good. Clusters are better aligned within Districts 4 and 5 than is the case with the current districts, with the Rockville Cluster nearly all within District 5, instead of straddling District 2 and District 5. Clusters also are closely aligned with election Districts 2 and 3. Only the Magruder Cluster is partially split between two election districts (Districts 1 and 5). However, this split occurs along a natural division of the cluster—the Rock Creek stream valley.

RESOLUTION NO. 431-11            Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Brandman 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 *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 conducts closed sessions on Tuesday, September 13, 2011, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 to 1:00 p.m. The Board anticipates that the closed session will include a discussion of personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; the review and adjudication of appeals in its quasi-judicial capacity; consultation with counsel to obtain legal advice on those appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*; and a discussion of matters of an administrative function outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*) and the Board will publish a more detailed Resolution for Closed Session when particular topics for discussion are identified; and be it further

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

RESOLUTION NO. 432-11            Re:    **REPORT OF CLOSED SESSION**

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

On July 25, 2011, the Board of Education voted unanimously to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* Section 10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on July 25, 2011, from 5:05 to 6:05 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and:

1. Received legal advice on appeals and adjudicated the following appeals: T-2011-24, NEC-2011-27, T-2011-28, NEC-2011-29, T-2011-31, NEC-2011-32, 2011-11, 2011-12, 2011-13, 2011-14, 2011-14, 2011-16, and 2011-16, as permitted under Section 10-508(a)(7) of the *State Government Article* with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).
2. Reviewed the Monthly Human Resources Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
3. Received from the superintendent the Sexual Harassment Quarterly Report and discussed the superintendent's transition which are administrative functions and outside the purview of the *Open Meetings Act*.
4. Considered and selected recipients of the Distinguished Service Awards, which is an administrative function and outside the *Open Meetings Act*, and to the extent, if any, it may be within the purview of the Act as permitted under Section 10-508(a)(1) of the *State Government Article*.
5. Received legal advice concerning catchment areas and student recruitment by the Community Montessori Charter School as permitted under Section 10-508(a)(7) and (8) of the *State Government Article*.

In attendance at the 5:05 p.m. closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Ikhida Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, and Patrick Clancy. At 5:20 p.m., Mr. Alan Xie joined the meeting. At 5:35 p.m., Mr. Clancy left the meeting and the following staff joined the meeting: Larry Bowers, Frieda Lacey, and Joshua Starr. At 5:40 p.m., the following people joined the meeting Judy Bresler, Sherwin Collette, Brian Edwards, Chris Garran, Carole Goodman, Don Kress, Erick Lang, Chris Richardson, Frank Stetson, Adrian Talley, and Darryl Williams.

RESOLUTION NO. 433-11      Re:    **MINUTES**

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

Resolved, That the Board of Education approve the minutes for the following meetings: June 16, June 27, and June 30, 2011.

RESOLUTION NO. 434-11      Re:    **APPEALS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Ms. Berthiaume, 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 10-508(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 dispositions of which will be recorded in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
T-2011-22	Reconsideration	Reversed
T-2011-24	Reconsideration	Denied
T-2011-31	Reconsideration	Denied
T-2011-33	Student Transfer	Affirmed
T-2011-36	Student Transfer	Reversed
T-2011-38	Student Transfer	Affirmed
NEC-2011-41	Student Assignment	Affirmed
T-2011-42	Student Transfer	Affirmed
T-2011-43	Student Transfer	Affirmed
2011-19	Early Entrance to Kindergarten	Affirmed
2011-22	Early Entrance to Kindergarten	Affirmed
2011-23	Early Entrance to Kindergarten	Affirmed
2011-25	Early Entrance to Kindergarten	Affirmed
2011-26	Early Entrance to Kindergarten	Affirmed
2011-27	Early Entrance to Kindergarten	Affirmed

Re: **COMMITTEE UPDATES**

Mr. Barley announced that the Financial Management Committee will have a meeting on September 12, 2011.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available for information:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-Owned Business Procurement Report for The Fourth Quarter Of Fiscal Year 2011

RESOLUTION NO. 435-11      Re:    **ADJOURNMENT AND LUNCH**

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

Resolved, That the Board of Education adjourn its meeting of August 24, 2011, at 1:10 p.m.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SECRETARY

JPS:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Kauffman	O'Neill	Xie
Redistricting Plan	A	A	A	O	A	A	A	O

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