

APPROVED  
9-2012

Rockville, Maryland  
March 13, 2012

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, Rockville, Maryland, on March 13, 2012, beginning at 9:00 a.m.

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

Absent: None

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

With a quorum present, the Board of Education met in open session at 9:00 a.m.

RESOLUTION NO. 105-12 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Dr. Docca 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 *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 March 13, 2012, in Room 120 of the Carver Education Services Center, Rockville, Maryland, from 9:00 to approximately 10:00 a.m.; and be it further

Resolved, That the superintendent of schools brief the Board on the Monthly Human Resources and Development Report and Appointment, with a subsequent vote in open session, which is an administrative function outside the purview of the *Open Meetings Act* and, to the extent any individual employee is discussed, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board president and superintendent of schools brief the Board on legislative and operating budget strategies, which is an administrative function outside the purview of the *Open Meetings Act*, and be it further

Resolved, That the Board receive a briefing by staff and discuss ongoing collective bargaining negotiations and matters that relate to the negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article*; and be it further

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

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

Re: **OPEN SESSION**

The Board of Education met in closed session from 9:02 to 10:00 a.m. After a break, the Board of Education reconvened in open session at 10:05 a.m.

To view specific sections or the entire meeting, please watch at  
<http://www.montgomeryschoolsmd.org/boe/meetings/archive/2012/2012-0313.shtm>

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. 106-12 Re: **APPROVAL OF THE AGENDA**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mrs. O’Neill, the following resolution, as amended, was adopted unanimously:

Resolved, That the Board of Education amend the agenda to include Item 9.6 – Appeals – and approve the remainder of the agenda for March 13, 2012.

Re: **PUBLIC COMMENTS**

There were no public comments.

RESOLUTION NO. 107-12 Re: **RECOMMENDED POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O’Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously:

Resolved, That the Board of Education oppose **HB1218 - Public Charter Schools -**

***Chartering Authorities, Application Requirements, Employees, and Facility Funding*** which would authorize the State Board of Education to be a primary chartering authority for the granting of a charter to a public charter school applicant; providing for the public charter schools granted a charter by the State Board to be independent from the local school system, county, or municipality in which the school is located but to be considered as the local school system for certain purposes; establishing an appeal process when the State Board denies an application to establish a public charter school; authorizing the State Board to issue and renew a charter for a certain period of time under certain circumstances; authorizing employees of a public charter school granted a charter by the State Board to elect to be members of the Teachers' Pension System and to choose to participate in the State Employee and Retiree Health and Welfare Benefits Program or to choose to form a separate health insurance collaborative; authorizing employees of a public charter school granted a charter by the State Board to organize as public employees as an independent bargaining unit and to develop a collective bargaining agreement; authorizing employees of certain public charter schools to choose to continue membership in the Teachers' Pension System or to terminate their membership; authorizing employees of certain public charter schools to continue to participate in the State Employee and Retiree Health and Welfare Benefits Program or to choose to form a separate health insurance collaborative; authorizing the State Department of Education to retain a certain amount of funds allotted for certain public charter schools; requiring certain public charter schools to receive an annual per pupil facilities allotment and prohibiting certain public charter schools from receiving an entire facilities allotment; requiring each county board to compile a list of school sites or buildings that may no longer be needed for school purposes; establishing the Public Charter School Facility Revolving Loan Fund; requiring the Governor to provide a certain amount of money in the State budget for the Fund; specifying the purpose of the Fund; authorizing certain applicants to obtain loans from the Fund; requiring the State Board to administer the Fund and to consider certain factors when evaluating loan applications; specifying loan amounts; requiring the State Board to report certain information to county boards of education each fiscal year; establishing certain requirements for loan repayment; making a certain county governing body or county board of education liable for loan repayment under certain circumstances; requiring the State Board to adopt certain regulations; and generally relating to chartering authorities, application requirements, employees, and facility funding for public charter schools.

RESOLUTION NO. 108-12

Re: **RECOMMENDED POSITION ON  
EDUCATION LEGISLATION**

On motion of Mrs. O'Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously:

Resolved, That the Board of Education oppose ***HB1217 - Public Charter Schools - Chartering Authorities, Application Requirements, and Funding*** which would expand the purpose of the Maryland Public Charter School Program; expanding the definition of a public charter school; authorizing the State Board of Education to be a primary chartering authority for the granting of a charter to a public charter school

applicant; requiring a county board of education or the State Board to take certain actions when reviewing, evaluating, and making a decision on a charter school application; authorizing an initial charter to be granted for a certain time period under certain circumstances; requiring a legally binding performance contract that includes certain items to be executed between a county board or the State Board and a public charter school within a certain time period; exempting a public charter school from certain State education statutes; requiring the State Board and each county board to establish certain offices; authorizing public charter school employees to establish an independent bargaining unit and to develop a collective bargaining agreement; requiring each county board to disburse a certain amount of funds to each public charter school on or before a certain date; requiring transportation funds to be included in the funding provided from each county board; authorizing the State Department of Education to retain a certain amount of funds allotted to certain public charter schools; requiring a county board to offer a certain option to a public charter school when school property is no longer needed by the county board; and generally relating to chartering authorities, application requirements, and funding for public charter schools.

RESOLUTION NO. 109-12            Re:    **RECOMMENDED POSITION ON  
EDUCATION LEGISLATION**

On motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:

Resolved, That the Board of Education opposes ***HB1214 - Education - Public High Schools - Maximum Student Enrollment Policy*** which would require each county board of education on or before a certain date to establish a policy on maximum student enrollment at each public high school within the county board's jurisdiction; requiring each county board to consider certain items and solicit certain input in establishing the policy; requiring each county board, in consultation with its county governing body, on or before a certain date, to develop and determine the cost of a plan to implement the established policy; requiring each county board on or before a certain date to submit the policy and the implementation plan to certain entities; and generally relating to a maximum student enrollment policy in public high schools.

RESOLUTION NO. 110-12            Re:    **RECOMMENDED POSITION ON  
EDUCATION LEGISLATION**

On motion of Mrs. O'Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously:

Resolved, That the Board of Education supports with amendments ***HB0002/SB0173 - Public School Buildings - Carbon Monoxide Detection and Warning Equipment*** which would require the construction or remodeling of certain public school buildings to conform to a certain standard for the installation of carbon monoxide detection and warning equipment for commercial structures; making certain stylistic changes; making this Act an emergency measure; and generally relating to requiring the installation of

carbon monoxide detection and warning equipment in public school buildings.

RESOLUTION NO. 111-12      Re:    **RECOMMENDED POSITION ON  
EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Ms. Berthiaume, the following resolution was adopted with Mr. Barclay, Ms. Berthiaume, Dr. Docca, Mr. Kauffman, Mrs. O'Neill, and Mr. Xie voting in the affirmative; Mr. Durso voting in the negative; and Ms. Brandman abstaining:

Resolved, That the Board of Education opposes **HB1110/SB0863 - Public Schools – Dating Violence – Kristen Marie Mitchell Law** which would add dating violence to provisions of law requiring the reporting of incidents of certain other conduct by a county board of education; altering the content of a certain form and report, policies, and educational programs to include incidents of dating violence; requiring the State Board of Education to develop, by a certain date, a certain model policy that includes a prohibition on dating violence; altering the date by which each county board is required to submit a certain policy to the State Superintendent of Schools; altering certain provisions of law granting certain immunity to certain school employees; altering certain provisions of law relating to the legal rights of certain victims; defining certain terms; and generally relating to dating violence in the public schools.

Re:    **DISCUSSION**

Ms. Steinberg reported on the Maintenance of Effort (MOE) bills. The Senate bill was assessed by the committee and will be heard in the near future. The House bill is still in committee. The bills include a waiver process, altering the penalty, and codifying an override tax cap for educational funding.

Mrs. O'Neill pointed out that since the Thornton Commission, MOE has been a fundamental piece to provide equity throughout the state. The Maryland Constitution guarantees funding for education; there is no such guaranteed for libraries, firefighters, police, etc. In the past, the County Council and County Executive deserve credit for funding above MOE when there was available funding; however, the MOE bill at this point is necessary for school funding. If the pension is shifted to local governments, it will have devastating impact on school systems.

Mr. Kauffman associated himself with Mrs. O'Neill remarks, and he pointed out that MOE legislation is to protect educational funding. If the pension shift is to the school system, the school system has no mechanism to raise money. It will impact the system ability to educate children.

Mr. Barclay agreed with his colleagues. The MOE legislation is to protect educational funding. There is not a politician that does not campaign on the excellent educational system in Maryland. The legislators need to ensure a quality education throughout the state. Furthermore, Mr. Barclay was concerned about supplanting educational funds

with other priorities, such as the pension shift. There is a lot of work to be done with the Council and Legislators.

Dr. Docca appreciated the statements of her colleagues. In the past, the County Council funded to the appropriate needs of Montgomery County students, such as English language learners. The state has paid the pension since 1927 in order for the local governments to pay higher teacher salaries to attract quality employees.

Ms. Berthiaume thought the long-term perspective should be to achieve fiscal health of the state. The Thornton legislation was appropriate, but it was passed without funding which forced county governments to raise taxes.

Ms. Brandman stated that the basis for this situation is the difficult economic times, the County Council's assessment of the economics, growing enrollment, a long-term fiscal plan, and balancing the needs of children. This cannot be done unilaterally and the Board of Education is willing to work with the county and state. The Board has struggled with the budget and support reform of MOE. These are the last weeks of the legislative session and the Board needs to stay engaged, especially the critical reform of MOE. The Board must work with the delegation and county while staying firm on the issues.

**Re: BOARD/SUPERINTENDENT COMMENTS**

Mr. Durso commended the winter sports teams and their coaches, especially the Gaithersburg and Zadok Magruder high schools' varsity teams. Also, he had a great experience reading with the students at Belmont and Rachel Carson elementary schools.

Mr. Xie reported that the SMOB convention selected Lissette Escobar and John Mannes as SMOB candidates. The election will be on April 25, 2012.

Ms. Berthiaume attended the 38<sup>th</sup> Annual Public Safety Awards luncheon highlighting the work of the police and fire departments. There were heartwarming stories of the valor of the first responders

Mrs. O'Neill agreed with Ms. Berthiaume that the safety awards were inspirational. Also, the Fairfax County Board of Education invited representatives from our Board to speak on the superintendent search process.

Dr. Docca pointed out an article in the Washington POST about Chris Lloyd, as vice president of MCEA, and the MCPS Professional Growth System where MCPS and the unions work together to develop professional growth. Also, she attended the Montgomery Women's Reception for Sharon Friedman who is retiring. Finally, she attended Flower Valley Elementary School's International Night at Richard Montgomery High School.

Ms. Brandman associated her remarks with those of her colleagues. She shared with

the community the Board's work with County Council. Looking ahead for the challenges based on demographics, the county facilities in the Shady Grove sector has the Food and Nutrition facility moving to the Webb tract; however, a site has not been identified for the Shady Grove depot. There is a suggestion to park buses at high schools. What is the consequence for not having a site? Dr. Starr stated that he would provide the Board with implications and significant developments. In the future, staff will prepare talking points for Ms. Brandman to highlight County Council actions for discussion during Board/Superintendent Comments.

Dr. Starr commented on spring forums, Spanish Twitter, Bethesda-Chevy Chase Middle School #2, Emerging Student Leaders, and the superintendent's book club.

Re: **STRATEGIC PRIORITIES: INTERVENTIONS**

Dr. Starr invited the following people to the table: Mrs. Chrisandra A. Richardson, associate superintendent, Office of Special Education and Student Services; Ms. Betsy Brown, director, Department of Curriculum and Instruction; Mr. Bertram B. Generlette, principal, Piney Branch Elementary School; and Ms. Alice I. Wright, itinerant resource teacher, Department of Special Education and Student Services.

Montgomery County Public Schools (MCPS) is rightfully recognized for high levels of student achievement overall; however, as seen in school districts nationwide, persistent gaps continue between the performance of White and Asian students and of Black or African American and Hispanic/Latino students. Disparities also exist between the overall performance of students and those with disabilities, limited English proficiency, and economic disadvantages. These disparities have proved difficult to rectify and continue to act as a call to action.

Educating every student, in every classroom, every day requires a careful alignment of individual student needs with strategies and supports. Student performance data in MCPS indicate the critical need for supplemental supports and interventions to prevent increasing numbers of students from falling behind their peers. A substantial national body of research suggests that students who experience difficulty early in school will continue to struggle throughout their educational careers if they do not receive assistance. Without adequate intervention, many of these children may eventually drop out of school.

There are a wide variety of reasons for students falling behind; however, it is incumbent upon us to weave a tighter safety net than is currently in place so that our most vulnerable students may be successful. The size and diversity of the district create obstacles for consistent implementation of effective strategies matched to the needs of individual learners. A Professional Learning Community (PLC) approach that stresses communication, collaboration, and differentiation based on a student's needs is key. A successful intervention model requires positive home-school connections, shared beliefs, knowledge, and skills; an extensive collection of supplemental support and intervention tools and resources; consistent monitoring of individual students, schools,

and the district; and sufficient staff with the expertise and confidence to implement the model with fidelity.

A highly effective and systemic intervention model is a priority for MCPS in order to provide all students with the skills necessary to successfully navigate a path to college and career readiness. The Office of School Support and Improvement (OSSI) will be a key stakeholder in discussions and planning focused on the following:

- Identify gaps between the current and desired state that will be used to inform the process for developing the Fiscal Year 2014 budget.
- Ensure that social emotional learning is addressed through meaningful curricular connections, particularly as they pertain to the thinking and academic success skills of Curriculum 2.0.
- Continue to develop or revise curriculum to align with the Common Core State Standards and promote an engaging, flexible, equitable, and accessible instructional program and embedded assessments that support and challenge all learners.
- Enhance professional development focused on the PLC model and the power of belief systems as a support for the CPS process.
- Develop and implement a systematic model to monitor and evaluate the impact of targeted and intensive interventions on student outcomes.
- Continue to monitor the identification of students with disabilities at the system and school level and provide support and professional development to schools as needed.
- Support schools to ensure that trusting and supportive relationships are developed with all members of the school community.

Re: **DISCUSSION**

Dr. Docca thanked staff for the presentation and report. She noted that good practices in teaching are in the report. In 1977, the *Black Action Steps* were concerned about African-American students, and she noted that MCPS has not moved from that point. She reported that the original group that produced the *Black Action Steps* has reformed to work on the next steps. A well-defined strategy and implemented models will focus on African-American and Latino students. Skilled teachers are important with a necessary connection to parents.

Ms. Berthiaume thought early identification was vital and would prevent problems from developing later. If five to ten percent will need intensive intervention, it is important to provide academic counseling. The Kennedy Cluster Project has attempted to break



down silos to allow an interagency approach to helping students in poverty. Last March, the *New Yorker* reported on the effects of poverty and adverse events. This report commented on factors, such as literacy, microbiology, high stress neighborhoods, barriers to sit in a classroom and focus, function and behavioral assessments, and emotional and social tests. Is MCPS doing anything to take in what is happening at the scientific level with a correlation between behavior in community and home?

Mr. Barclay thought a key component was a partnership with families; however, some parents may not appreciate the need and desire or they are simply too busy. Based on the five schools that received the grant, Mr. Barclay asked if the results could be scaled up for the remaining schools taking the best that was learned. What would be the cost?

Dr. Docca noted that administrators and teachers should not make decisions about parents if they attend or do not attend meetings. Whatever students bring to the school house, staff needs to work with the child.

Ms. Brandman thought staff should monitor and include the following items in preparation for the priority on interventions: identify how many students require interventions and the schools these students attend; establish and update an inventory of schools providing interventions, including the methods utilized; review resources and make sure they align with students' needs; collaborate around instruction and individual students' needs to establish a routine process; what are the triggers a teacher observes to ask for collaboration and intervention for a student; monitor the collaboration and intervention process to determine if it is working; how will intensive interventions impact the budget; does MCPS have the staffing capacity to provide the interventions; and highlight the specific areas for which the Board should seek funding to support the intervention strategies.

RESOLUTION NO. 112-12      Re:    **TENTATIVE APPROVAL OF POLICY CND,  
SCHOOL-RELATED FUND-RAISING**

On motion of the Policy Committee, the following resolution was adopted unanimously:

WHEREAS, Policy CND, *School-Related Fund-Raising*, provides a framework for school-related fund-raising activities in or on behalf of Montgomery County Public Schools that safeguards instructional time, maximizes the safety of students, supports a common school experience for all students, and includes appropriate accountability provisions; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to update Policy CND, *School-Related Fund-Raising*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy CND, *School-Related Fund-Raising*; and be it further

Resolved, That Policy CND, *School-Related Fund-Raising*, be sent out for public comment.

## **School-Related Fund-Raising**

### **A. PURPOSE**

To provide a framework for school-related fund-raising activities in or on behalf of Montgomery County Public Schools (MCPS) that safeguards instructional time, maximizes the safety of students, supports a common school experience for all students, and includes appropriate accountability provisions.

### **B. ISSUE**

The Montgomery County Board of Education (Board) affirms its interest in ensuring that fund-raising activities by schools or school-sponsored groups or on behalf of MCPS by parent and community groups are conducted in compliance with state law and MCPS regulations and contribute to the school experience of students without conflicting with or disrupting the operation of the instructional program or jeopardizing the safety of students. Parent and community groups include, but are not limited to, Parent Teacher Associations (PTAs), Parent Teacher Student Associations (PTSAs), foundations, and booster clubs.

The Board recognizes that funds can be raised for purposes other than instruction and that these fund-raising activities contribute to the overall experience of being a member of the school community.

### **C. POSITION**

1. The Board encourages those seeking to make donations or raise funds for schools to collaborate with school leadership to ensure that school-related fund-raising efforts pursue shared purposes, which may include, but are not limited to, the following:
  - a) Supporting activities of school-sponsored groups, which include, but are not limited to, school classes or grade-level groups, clubs, teams, performing arts groups, and countywide student organizations
  - b) Supporting activities that benefit the student body
  - c) Providing supplemental funds to help defray the costs of optional activities that enhance MCPS programs
2. Student safety and health are the foremost concerns for any fund-raising activity involving students and, specifically, students collecting funds directly from the public.

3. Neither parent or community groups, nor students are expected to raise funds to support specific programs or purchase materials to enhance the instructional program.
4. While many schools and PTAs/PTSAs have emphasized fundraising in the past, raising money is not their primary focus. In Board Policy ABC, Parent and Family Involvement, the Board affirms the National Standards for Family-School Partnerships, and the development of parent and family involvement programs and services that are comprehensive and linked to student learning.
5. School staff should not become dependent on fund-raising activities to purchase materials and instructional equipment.
6. The Board recognizes that some activities, such as school fairs, are important because they promote parent participation and result in increasing school and community spirit in addition to any amounts of money they raise for the school.
7. Schools and school-sponsored groups may raise funds and collect donations for charitable purposes or for members of the community experiencing financial hardship. Such fund-raising activities increase student awareness of their membership in the local and global community.
8. Funds raised by fund-raising groups cannot be used to employ anyone to work in the schools during the regular school day.
9. The Board establishes its process for accepting non-Montgomery County government funds for improvements that qualify as capital improvements in Board Policy CNE, Facility Improvements That Are Not Funded With Montgomery County Revenues.
10. The Board establishes its process for naming school facilities in Board Policy FFA, Naming School Facilities, and prohibits naming a portion of a school facility to generate funds, unless expressly approved by the Board.
11. The provisions of this policy do not apply to fund-raising activities by groups not associated with MCPS who use MCPS facilities through the Interagency Coordinating Board.

#### D. DESIRED OUTCOMES

1. Cooperative effort between MCPS, school and school-sponsored groups, parent and community groups, private organizations and foundations, businesses, and individuals working in partnership toward shared goals

2. Understanding and communication about the needs and resources of the schools and community
3. Transparency in purpose and implementation of fund-raising activities and appropriate accountability for such activities

E. IMPLEMENTATION STRATEGIES

The superintendent of schools will establish regulations or other administrative procedures necessary for carrying out this policy.

F. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board policy review process.

RESOLUTION NO. 113-12      Re:    **RESCISSIONS OF POLICY EDC,  
FURNITURE AND EQUIPMENT. AND  
POLICY EFA, BANK ACCOUNTS FOR  
CAFETERIA FUNDS**

On motion of the Policy Committee, the following resolution was adopted unanimously:

WHEREAS, During the ongoing review of policies by the offices responsible for the content, two policies were identified for rescission; and

WHEREAS, After reviewing staff's proposals, the Board of Education Policy Committee recommends both policies for rescission; now therefore be it

Resolved, That Policy EDC, *Furniture and Equipment*, be rescinded because relevant language has been added to Regulation EDC-RA, *Control of Furniture and Equipment Inventory*; and be it further

Resolved, That Policy EFA, *Bank Accounts for Cafeteria Funds*, be rescinded because relevant language is fully addressed in the Montgomery County Public Schools *Financial Management Handbook* and the *Division of Food and Nutrition Services Procedures Handbook*.

### **Furniture and Equipment**

A. **PURPOSE**

To assure that school system equipment and furniture is used for MCPS purposes only

B. **PROCESS AND CONTENT**

Furniture and school system equipment shall not be removed from MCPS

buildings unless for school and/or business-related reasons.

**C. REVIEW AND REPORTING**

This policy will be reviewed every three years in accordance with the Board of Education policy review process.

**Bank Accounts for Cafeteria Funds**

**A. PURPOSE**

To authorize school bank accounts for the handling of cafeteria funds

**B. PROCESS AND CONTENT**

1. Each school will have a bank account for the handling of cafeteria funds.
2. The superintendent or his/her designee has the authority to sign checks against this account.

**C. REVIEW AND REPORTING**

This policy will be reviewed every three years in accordance with the Board of Education policy review process.

RESOLUTION NO. 114-12

Re: **PRELIMINARY PLAN — CANDLEWOOD  
ELEMENTARY SCHOOL MODERNIZATION  
PROJECT**

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

WHEREAS, The architect for the proposed Candlewood Elementary School modernization project, Delmar Architects, P.A., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The participants in the Candlewood Elementary School facility advisory process have provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approves the preliminary plans report for the Candlewood Elementary School Modernization Project developed by Delmar Architects, P.A.

RESOLUTION NO. 115-12

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

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

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

contractual services; now therefore be it

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

052-10	Recycling of Waste Oil and Waste Antifreeze, Purchase of Recycled Antifreeze—Extension	
	<u>Awardee</u> FCC Environmental, Inc.	\$100,000
MWE-802-09	HVAC Air Filters	
	<u>Awardee</u> Air Filter Maintenance, Inc.	\$252,000
RQ08-920 588-69A	Remanufactured/Recycled Toner Cartridges and Related Items/Services	
	<u>Awardee</u> EIS Office Solutions, Inc.*	\$300,000
1155.3	MDK12 Digital Library Project—Extension	
	<u>Awardees</u> (See note) ABC-CLIO, Inc. AccuWeather, Inc. Atomic Learning Coughlan Companies, Inc. Encyclopaedia Britannica Digital Learning Facts On File, Inc. FWD Media, Inc. Gale/Cengage Learning Knovation, Inc. Marshall Cavendish Corporation Proquest, LLC Salem Press Scholastic, Inc. Taylor Book Group Thinkmap World Book, Inc. Total	\$947,148
4061.5	Modular Computer Furniture	
	<u>Awardees</u>	

	Douron, Inc.*	\$174,574
	Glover Equipment, Inc.	<u>90,570</u>
	Total	\$265,144
4065.11	Ceramics Supplies—Extension	
	<u>Awardees</u>	
	Campbells Ceramics Supply Company	\$ 14,392
	Chesapeake Ceramic Supply, Inc.	56,247
	Clayworks Supplies, Inc.	2,479
	Creative Hobbies	6,311
	DGS Educational Products	1,149
	School Specialty, Inc.	<u>3,291</u>
	Total	\$ 83,869
4090.8	Envelopes	
	<u>Awardees</u>	
	Craig Envelope Corporation	\$ 23,723
	Officemax	2,983
	Pyramid Paper Company	78,320
	Quill Corporation	<u>3,836</u>
	Total	\$108,862
4245.1	Online Study Program for SAT/PSAT/ACT	
	<u>Awardee</u>	
	Triumph College Admissions	\$ 79,956
4599.1	Vertical File Cabinets—Extension	
	<u>Awardee</u>	
	Douron, Inc.*	\$358,515
7125.3	Transportation Services for Montgomery County Public Schools Students	
	<u>Awardee</u>	
	Blue Star Group, Inc.	\$ 60,000
9002.6	Door Hardware, Closures, and Exit Devices—Extension	
	<u>Awardees</u>	
	Independent Hardware, Inc.	\$111,993
	Taylor Security & Lock Company, Inc.	<u>138,438</u>
	Total	\$250,431

9003.5	Hardware Supplies	
	<u>Awardee</u>	
	MSF County Services Company	\$117,414
9016.5	Electrical Supplies and Equipment—Extension	
	<u>Awardees</u>	
	C.N. Robinson Lighting Supply Company	\$ 98,000
	Electrical Wholesale Metro/Maurice Electrical	252,000
	United Electric Supply	<u>404,000</u>
	Total	\$754,000
9019.6	Roofing Supplies	
	<u>Awardees</u>	
	American Builders & Contractors Supply Company, Inc.	\$229,392
	Liberty Lumber and Supply Company	348,261
	Seamless Gutter Supply of Maryland, Inc.	<u>59,382</u>
	Total	\$637,035
9021.8	Doors and Door Hardware	
	<u>Awardees</u>	
	Capitol Building Supply	\$ 46,564
	Liberty Lumber & Supply Company Pikesville	1,850
	Precision Door & Hardware	<u>51,295</u>
	Total	\$ 99,709
9069.9	Softball Supplies and Equipment—Extension	
	<u>Awardees</u>	
	Cannon Sports, Inc.*	\$ 11,261
	Hat World, Inc.	18,805
	Sport Supply Group, Inc.	23,033
	The Athletic Equipment Source	<u>12,054</u>
	Total	\$ 65,153
9073.7	Weight Training Supplies and Equipment	
	<u>Awardees</u>	
	Concept 2 Inc.	\$20,400
	Fitness Lifestyles	14,250
	Fitness Resource	45,744
	Gym Source	173,004
	Heartline Fitness Products, Inc.	191,360



	Sport Supply Group, Inc.	15,514
	Sports Stop, Inc.	1,805
	Wellness Solutions*	<u>69,783</u>
	Total	\$531,860
9186.10	Asbestos Abatement at Various Locations	
	<u>Awardees</u>	
	LVI Environmental Services, Inc.	\$ 36,918
	Reliability Contractors, Inc.*	13,600
	Retro Environmental, Inc.	<u>74,878</u>
	Total	\$125,396
9302.4	Installation of Carpeting, Resilient Flooring and Accessories—Extension**	
	<u>Awardee</u>	
	Carpet Experts, Inc.*	\$800,000
9340.4	Hot Mix Asphalt Replacement at Various Locations—Extension**	
	<u>Awardee</u>	
	Finley Asphalt & Sealing, Inc.	\$800,000
9706.2	Athletic Field Maintenance at Various Locations	
	<u>Awardee</u>	
	Montgomery County Revenue Authority	\$ 71,415
	TOTAL PROCUREMENT CONTRACTS OVER \$25,000	\$6,807,907

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

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 116-12      Re:    **ARCHITECTURAL APPOINTMENTS —  
RELOCATABLE CLASSROOMS**

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

WHEREAS, Funds are appropriated annually in the Capital Improvements Program for the Relocatable Classroom Project; and

WHEREAS, Architectural and engineering services are required for the development of

site plans and associated permitting activities for the Relocatable Classroom Project; and

WHEREAS, The number of relocatable classroom building moves requires architectural firms be employed to complete the planning activities in time to finish the relocation work before school starts in August 2012; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, selected JK Architects + Associates and The K Group as the most qualified firms to provide the necessary professional architectural and engineering services; and

WHEREAS, JK Architects + Associates and The K Group are Maryland Department of Transportation-certified minority firms; and

WHEREAS, JK Architects + Associates and The K Group currently are under contract with Montgomery County Public Schools to provide architectural and engineering services for relocatable classroom buildings for a fee of \$1,250 per site for design development and \$6,900 per site for construction documents and permitting services; now therefore be it

Resolved, That the Montgomery County Board of Education extends the contractual agreements with the architectural firms of JK Architects + Associates and The K Group to provide professional architectural and engineering services as requirements arise for relocatable classroom moves for a fee of \$1,250 per site for design development and \$6,900 per site for construction documents and permitting services.

RESOLUTION NO. 117-12      Re:    **ARCHITECTURAL APPOINTMENT—BURNT MILLS ELEMENTARY SCHOOL ADDITION FEASIBILITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to perform a feasibility study for the Burnt Mills Elementary School addition; and

WHEREAS, Funds for conducting feasibility studies 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, 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 services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of The Lukmire Partnership, Inc. to provide feasibility study services for the Burnt Mills Elementary School addition for a fee of \$35,800.

RESOLUTION NO. 118-12      Re:    **ARCHITECTURAL APPOINTMENT —  
SUMMIT HALL ELEMENTARY SCHOOL  
ADDITION FEASIBILITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to perform a feasibility study for the Summit Hall Elementary School addition; and

WHEREAS, Funds for conducting feasibility studies 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 Rubeling & Associates, 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 services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Rubeling & Associates, Inc. to provide feasibility study services for the Summit Hall Elementary School addition for a fee of \$40,000.

RESOLUTION NO. 119-12      Re:    **AWARD OF CONTRACT — LEASING OF  
RELOCATABLE CLASSROOMS**

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

WHEREAS, Funds are appropriated annually in the Capital Budget for relocatable classroom buildings; and

WHEREAS, It is necessary to have a bid in place for the procurement and lease of new relocatable classroom units so that staff can proceed immediately to place units at various school sites and for the replacement of older units; and

WHEREAS, The following unit price bids were received on February 22, 2012, for the leasing and delivery of modular classroom buildings:

<u>Bidder</u>	<u>Monthly Lease (5 years)</u>	<u>Delivery</u>
Mobile Modular Management Corporation	\$650	\$ 550
Spectrum Building Systems, Inc.	701	5,484
M Space Holdings, LLC	810	1
Sustainable Modular Management, Inc.	853	444
Modular Technologies, Inc.	767	6,596

now therefore be it

Resolved, That a contract to lease new relocatable buildings be awarded to Mobile Modular Management Corporation at a rate of \$650 per month per unit on an as-needed basis, with a one-time delivery charge of \$550, during the five-year lease period.

RESOLUTION NO. 120-12      Re:    **AWARD OF CONTRACTS—WESTBROOK  
ELEMENTARY SCHOOL ADDITION AND  
GYMNASIUM**

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

WHEREAS, On September 13, 2011, the Board of Education authorized staff in the Department of Facilities Management to utilize a construction management process for the Westbrook Elementary School addition and gymnasium project and awarded a contract for preconstruction services to Hess Construction + Engineering Services; and

WHEREAS, The following low bids were received on February 7, 2012, for the Westbrook Elementary School addition and gymnasium project:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Sitework—Ross Contracting, Inc.	\$2,477,000
2B-Demo/Hazmat—ACECO, LLC	155,500
3A-Concrete—Chevy Chase Contractors, Inc.	1,333,000
4A-Masonry—KaRon Masonry of Maryland, Inc.	1,451,000
5A-Steel—Kinsley Construction, Inc.	803,000
7A-Roofing—Orndorff and Spaid, Inc.	453,963
8A-Glass/Glazing—Engineered Construction Products, LTD	259,030
9A-Carpentry/Drywall/Ceilings—Finishes, Inc.	455,835
15A-Mechanical—Joseph M. Zimmer, Inc.	1,926,000
15B-Sprinkler—Chesapeake Sprinkler Company, Inc.	135,975

16A-Electrical—Brandenburg Electric, Inc.

1,388,165

and

WHEREAS, On February 7, 2012, Hess Construction + Engineering Services received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on other bid proposals are available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Hess Construction + Engineering Services as part of a guaranteed price agreement to complete the Westbrook Elementary School addition and gymnasium project; and

WHEREAS, Staff in the Department of Facilities Management has negotiated and recommends approval of a guaranteed price contract with Hess Construction + Engineering Services for the completion of the Westbrook Elementary School addition and gymnasium project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Hess Construction + Engineering Services has agreed to accept the assignment of the Westbrook Elementary School trade contracts awarded on March 13, 2012, and complete the project for the guaranteed price; and

WHEREAS, The aggregate goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 15 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 27.4 percent Maryland Department of Transportation-certified, of which 7.8 percent is African American-owned, 9.3 percent is women-owned, and 10.6 percent is other minority-owned; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of the Westbrook Elementary School addition and gymnasium project:

<u>Low Bidders</u>	<u>Amounts</u>
2A-Sitework—Ross Contracting, Inc.	\$2,477,000
2B-Demo/Hazmat—ACECO, LLC	155,500
3A-Concrete—Chevy Chase Contractors, Inc.	1,333,000
4A-Masonry—KaRon Masonry of Maryland, Inc.	1,451,000
5A-Steel—Kinsley Construction, Inc.	803,000

7A-Roofing—Orndorff and Spaid, Inc.	453,963
8A-Glass/Glazing—Engineered Construction Products, LTD	259,030
9A-Carpentry/Drywall/Ceilings—Finishes, Inc.	455,835
15A-Mechanical—Joseph M. Zimmer, Inc.	1,926,000
15B-Sprinkler—Chesapeake Sprinkler Company, Inc.	135,975
16A-Electrical—Brandenburg Electric, Inc.	1,388,165

and be it further

Resolved, That the trade contracts awarded for the Westbrook Elementary School addition and gymnasium project be assigned to Hess Construction + Engineering Services; now therefore be it

Resolved, That a contract in the amount of \$13,955,924 to include the assignment of the trade contract awards, be awarded to Hess Construction + Engineering Services for the Westbrook Elementary School addition and gymnasium project, in accordance with drawings and specifications prepared by Muse Architects, P.C.

RESOLUTION NO. 121-12            Re:    **ENGINEERING APPOINTMENTS —  
HEATING, VENTILATION, AND AIR  
CONDITIONING REPLACEMENT PROGRAM**

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

WHEREAS, It is necessary to appoint engineering firms to provide professional design services for the Heating, Ventilation, and Air Conditioning Equipment Replacement Program at various schools; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified B2E Consulting Engineers, P.C.; Brinjac Engineering, Inc.; Building Dynamics, LLC; Burdette, Koehler, Murphy & Associates; Gipe Associates, Inc.; James Posey Associates, Inc.; Mendoza, Ribas, Farinas and Associates; and Weigand Associates, Inc. as the most qualified firms to provide the necessary professional design services for the Heating, Ventilation, and Air Conditioning systems; and

WHEREAS, Weigand Associates, Inc. is a Maryland Department of Transportation-certified minority firm; and

WHEREAS, Mendoza, Ribas, Farinas and Associates is a non-Maryland Department of Transportation-certified minority firm; and

WHEREAS, Staff in the Department of Facilities Management will negotiate fees for the necessary Heating, Ventilation, and Air Conditioning system design services based on the size and complexity of individual projects; and

WHEREAS, Staff in the Department of Facilities Management has determined that a standard scope of design services is required for the Heating, Ventilation, and Air Conditioning Equipment Replacement Program; now therefore be it

Resolved, That the Department of Facilities Management be authorized to execute a scope of services contract with the firms of B2E Consulting Engineers, P.C.; Brinjac Engineering, Inc.; Building Dynamics, LLC; Burdette, Koehler, Murphy & Associates; Gipe Associates, Inc.; James Posey Associates, Inc.; Mendoza, Ribas, Farinas and Associates; and Weigand Associates, Inc. to establish contractual design responsibilities for all projects undertaken for a one-year period; and be it further

Resolved, That contractual agreements with the approved engineering firms will be negotiated for each project for a fee consistent with funding approved for projects in the Capital Improvements Program; and be it further

Resolved, That the list of awarded contracts be sent to the Board of Education quarterly as an information item.

RESOLUTION NO. 122-12            Re:    **ROCKVILLE CORPORATE CENTER —  
FIRST AMENDMENT TO LEASE**

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

WHEREAS, The Board of Education Funds approved a new lease to consolidate office space at the Rockville Corporate Center on November 9, 2010; and

WHEREAS, The Board of Education approved a phased occupancy to coincide with the termination of certain existing commercial office leases; and

WHEREAS, The Board of Education now desires to accelerate its occupancy by moving certain units out of its headquarters at the Carver Educational Services Center to the third floor of the Rockville Corporate Center beginning April 1, 2012; and

WHEREAS, Sufficient funds can be realigned in the fiscal years 2012 and 2013 Real Estate Management Fund operating budget to pay for the early occupancy; and

WHEREAS, The accelerated phasing will benefit the Board of Education by allowing renovations to vacated space at its headquarters for future moves to complete the space consolidation; now therefore be it

Resolved, That the superintendent of schools and the president of the Board of Education be authorized to execute a First Amendment to Lease to accelerate the occupancy of the third floor at Rockville Corporate Center nine months early, comprising 23,605 square feet.

RESOLUTION NO. 123-12      Re:    **MONTHLY HUMAN RESOURCES MONTHLY REPORT**

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

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. 124-12      Re:    **DEATH OF MS. JOLIE JACKSON WILLETT, MEDIA ASSISTANT ON PERSONAL ILLNESS LEAVE, KENSINGTON-PARKWOOD ELEMENTARY SCHOOL**

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

WHEREAS, The death on January 10, 2012, of Ms. Jolie Jackson Willett, media assistant on personal illness leave from Kensington-Parkwood Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 10.4 years with Montgomery County Public Schools, Ms. Willett always treated everyone with respect and was an exceptional, thoughtful listener who considered all perspectives when tackling a problem; and

WHEREAS, Ms. Willett had a very approachable disposition and was well liked by staff members and students; 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. Willett 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. Willett's family.

RESOLUTION NO. 125-12      Re:    **DEATH OF MS. MARGARET-ANN JACQUES, CLASSROOM TEACHER, EAST SILVER SPRING ELEMENTARY SCHOOL**



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

WHEREAS, The death on January 25, 2012, of Ms. Margaret-Ann Jacques, classroom teacher at East Silver Spring Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 13.5 years with Montgomery County Public Schools, Ms. Jacques had consistently demonstrated commitment to students and their learning; and

WHEREAS, Ms. Jacques encouraged students to challenge themselves and realize high expectations as well as motivated and inspired in all students the willingness to learn, have self-confidence and perseverance; 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. Jacques 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. Jacques' family.

RESOLUTION NO. 126-12

Re: **DEATH OF MRS. PAULA V. FAVA,  
BUS ATTENDANT, SPECIAL ED, DOT  
SHADY GROVE SOUTH DEPOT**

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

WHEREAS, The death on February 15, 2012, of Mrs. Paula V. Fava, special education bus attendant with the DOT Shady Grove South Transportation Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 17.2 years Mrs. Fava had worked for Montgomery County Public Schools, she was polite and respectful while working with her peers, management, school staff, students, and parents; and

WHEREAS, Mrs. Fava was patient and understanding, very dependable, and displayed a positive attitude when she greeted her students each 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 Mrs. Fava 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 Mrs. Fava's family.

RESOLUTION NO. 127-12

Re: **DEATH OF MS. BARBARA P. CARLIN  
APPEALS/TRANSFER CONTROL  
ASSISTANT, OFFICE OF THE CHIEF  
OPERATING OFFICER**

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

WHEREAS, The death on March 4, 2012, of Ms. Barbara P. Carlin, appeals/transfer control assistant, Office of the Chief Operating Officer, has deeply saddened the staff and members of the Board of Education; and

WHEREAS, During the 32.6 years with Montgomery County Public Schools, Ms. Carlin demonstrated outstanding human relations skills and her daily contributions were invaluable to the success of the appeals/transfer office; and

WHEREAS, Ms. Carlin was viewed by many professionals of the school system as a treasure trove of information and knowledge; thus, she was always willing to go that extra mile to assist in reaching the appropriate resolution to an appeal; 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. Carlin 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. Carlin's family.

RESOLUTION NO. 128-12

Re: **APPOINTMENT**

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

The Board of Education appointed Mrs. Beth Schiavino-Narvaez as deputy superintendent for the new Office of School Support and Improvement. Mrs. Schiavino-Narvaez, currently a community superintendent, begins her new post on April 1, 2012.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, stated that this financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of January 31, 2012, and projections through June 30, 2012, based on program requirements and estimates made by primary and secondary account managers. At this time, expenditures have a projected surplus of \$18,800,000. Revenues have a projected surplus of \$350,000. Due to Fiscal Year (FY) 2011 comprehensive expenditure

restrictions, including a hiring freeze, MCPS achieved a reduction of expenditures compared to budget. The FY 2012 Operating Budget included fund balance of \$17.0 million of the total savings as a source of appropriation, leaving fund balance of \$11.9 million available for appropriation in FY 2013 or future years. This unappropriated FY 2011 ending fund balance, together with the FY 2012 projected surplus of \$19.2 million, equals \$31.1 million that will be available to fund future year operating budgets. My expectation is that the available fund balance will be used for appropriation over several years to avoid any sudden increase in the need for local contribution to replace fund balance as a revenue source. The FY 2013 Operating Budget Request assumes that \$17.0 million of fund balance will be appropriated next year.

RESOLUTION NO. 129-12            Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mr. Kauffman, 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 Monday, March 26, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 5:30 to approximately 6:00 p.m.; and be it further

Resolved, That the Board of Education 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*; a discussion of matters constituting an administrative function outside the purview of the *Open Meetings Act* (Section 10-502(b) 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 this meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 130-12            Re:    **REPORT OF CLOSED SESSION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mr. Kauffman, the following report was approved unanimously:

On February 27, 2012, the Board of Education voted unanimously by members present 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 Board of Education of Montgomery County met in closed session on February 27, 2012, from 4:09 to 4:36 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Received legal advice on an appeal and adjudicated the following appeal involving a student placement: 2012-2, as permitted under Section 10-508(a)(7) of the *State Government Article* and in its quasi-judicial capacity outside the purview of the *Open Meetings Act*, with a subsequent vote in open session.
2. Discussed potential names and relevant personal background information about the individuals for the Naming of the Downcounty Consortium Elementary School #29, which is an administrative function outside the purview of the *Open Meetings Act* and, to the extent certain individuals were discussed as permitted under Section 10-508(a)(2) of the *State Government Article*.
3. Received a briefing by the superintendent on the Reorientation to Serve Our Schools (a reorganization of Central Office initiative), which is an administrative function outside the purview of the *Open Meetings Act*.
4. Received a briefing by the Board president and superintendent of schools on legislative and operating budget strategies, which is an administrative function outside the purview of the *Open Meetings Act*.

In attendance at the 4:09 p.m. closed session were Christopher Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Alan Xie, Ikhide Roland Ikheloa, Suzann King, Glenda Rose, and Patrick Clancy. At 4:16 p.m., Mr. Clancy left the meeting and the following staff joined the meeting: Brian Edwards, Frieda Lacey, and Joshua Starr.

RESOLUTION NO. 131-12            Re:    **MINUTES**

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

Resolved, That the Board of Education approve the minutes of its January 25 and January 26, 2012, meetings.

RESOLUTION NO. 132-12            Re:    **APPEAL**

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

WHEREAS, The Board of Education has met in closed session and deliberated on an appeal 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 appeal 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>
2011-48	Student Expulsion	Affirmed in part; reversed in part

Re: **BOARD COMMITTEE UPDATES**

There were no updates.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report
3. Update on Contract Awards For On-Call Heating, Ventilation, and Air Conditioning Replacement Services And On-Call Construction Services

RESOLUTION NO. 133-12 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of March 13, 2012, at 1:37 p.m.

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PRESIDENT

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SECRETARY

JPS:gr