

APPROVED
6-2006

Rockville, Maryland
February 14, 2006

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, February 14, 2006, at 10:25 a.m.

Present: Dr. Charles Haughey, President
in the Chair
Mr. Steve Abrams
Ms. Sharon W. Cox
Ms. Valerie Ervin
Mrs. Nancy Navarro
Mrs. Patricia O'Neill
Mr. Gabriel Romero
Mr. Sebastian Johnson, Student Board Member
Mr. Larry Bowers, Acting Secretary/Treasurer

Absent: Dr. Jerry Weast

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

RESOLUTION NO. 35-06 Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Abrams, 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 closed sessions on February 14, 2006, in Room 120 from 9:00 to 10:00 a.m. and 12:30 to 2:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County

1. Discuss the Human Resources Monthly Report and Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*
2. Consider the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*
3. Conduct a portion of its closed sessions to discuss collective bargaining

negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*

- 4. Receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*

and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on February 14, 2006, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

RESOLUTION NO. 36-06 Re: APPROVAL OF THE AGENDA

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

Resolved, That the Board of Education approve its agenda for February 14, 2006.

Re: RECOGNITION OF BLACK HISTORY MONTH

Mr. John Smith read his poem about Rosa Parks.

Re: RECOGNITION OF MCPS' ACADEMIC SUCCESS

Ms. Lillian Cruze read a citation from Congressman Van Hollen's office; and the president of the Board read a resolution from Senate of Maryland.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Tom Pignone	403(B)/457(b) Bids
2.	Tom Hendershot	403(B) Bid Recommendations
3.	Derick Kelson	403 (B)/457 (B) Bids
4.	Julio Pena	Hampshire Greens
5.	Jack Hill	RFP for Tax Shelters
6.	Sylvia Morrison	Academic Ineligibility
7.	Ed Forst	Proposed Providers

- 8. Ruth Jacobs Revised Curriculum
- 9. Dan Shea Academic Ineligibility
- 10. Annie Lo Early Admission to Kindergarten
- 11. John Walters Roscoe Nix Elementary School
- 12. Sharon St. Pierre Academic Eligibility
- 13. Nick Keeling RFP 1143.2
- 14. Shirley Brandman Academic Ineligibility
- 15. Debbie Murphy Hampshire Greens School Assignment

RESOLUTION NO. 36(a)-06 Re: **AN AMENDMENT TO THE AGENDA**

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

Resolved, That the Board of Education amend the agenda to take action on Policy IQD before Items of Legislation.

RESOLUTION NO. 37-06 Re: **FINAL ACTION ON POLICY IQD – ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES**

On motion of the Policy Committee, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin voting in the negative:

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, affirms the valuable role that extracurricular activities play in the entire education of each student; and

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, sets forth that participation in some extracurricular activities should be maintained and supported by academic standards; and

WHEREAS, The draft revision of Policy IQD, *Academic Eligibility for Extracurricular Activities*, was tentatively adopted by the Board of Education on October 24, 2005, and sent out for public comment; now, therefore be it

Resolved, That the Board of Education adopt Policy IQD, *Academic Eligibility for Extracurricular Activities*, as revised, to become effective as of the start of the 2006–2007 school year.

Academic Eligibility for Extracurricular Activities

A. PURPOSE

To articulate the Board of Education's commitment to providing an array of extracurricular opportunities for students. Having a variety of extracurricular options including, but not limited to, cultural arts, athletics, and other team activities is an essential part of a complete educational experience. The Board supports having both extracurricular activities requiring academic eligibility and extracurricular activities predicated upon open enrollment.

B. ISSUE

Academic eligibility standards for middle and high school participation in some extracurricular activities listed as nonathletic and athletic stipends in the Negotiated Agreement between Montgomery County Education Association and the Montgomery County Board of Education must be established and communicated. Extracurricular activities are a valuable part of the entire education of each student. However, participation in extracurricular activities should be maintained and supported by academic standards. It is the obligation of the school system to make supports for maintaining academic performance and academic eligibility available to students.

C. POSITION

Decisions regarding a student's academic eligibility for participation in extracurricular activities will be made as follows. Students in middle and high schools must maintain a 2.0 average with no more than one failing grade in the previous marking period to be eligible to participate in any activity listed as nonathletic and athletic stipends in the Negotiated Agreement Between Montgomery County Education Association and the Board of Education of Montgomery County Public Schools. This does not apply to students in the fall entering middle or high school for the first time or to students engaged in activities that are extensions of a graded course.

Students in middle school who are not academically eligible may petition to be reinstated in an activity if they have shown evidence of progress toward meeting eligibility standards. Middle school principals will make final decisions regarding these petitions.

D. DESIRED OUTCOMES

Each student should maintain high academic standards while also pursuing extracurricular activities that contribute to a well-rounded education.

E. IMPLEMENTATION STRATEGIES

1. All secondary schools should provide and communicate opportunities for all students to participate in extracurricular activities by ensuring that there are a range of possibilities, including extracurricular activities with open enrollment that do not require academic eligibility.
2. Schools should help students retain or regain eligibility for all extracurricular activities requiring academic eligibility, by providing and referring students to such support activities as contracts, tutoring programs, mentoring and monitoring programs, academic support classes and counseling, study halls during or after school, outreach programs and/or other programs.
3. Schools should share best practices that increase student academic eligibility for extracurricular activities.
4. Schools should develop mechanisms to evaluate the effectiveness of support programs.
5. The superintendent will publish regulations to implement this policy as needed.

F. REVIEW AND REPORTING

1. The superintendent will report annually to the Board on the effects of this policy on student participation in extracurricular activities.
2. This policy will be reviewed in accordance with the Board of Education review process.

RESOLUTION NO. 38-06

Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 21 – Crimes – Assault on an Educator – Penalties** which would prohibit a person from causing physical injury to another if the person knows or has reason to know that the other is an educator acting on school grounds within the course and scope of the educator's employment.

RESOLUTION NO. 39-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 59/SB 509 – Criminal Law – Crimes of Violence – Child Abuse** which would add the crime of child abuse in the first degree to the list of crimes of violence for which specified enhanced penalties are applied to specific offenders.

RESOLUTION NO. 40-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 61/SB 467 – Criminal Procedure – Crimes of Violence – Sexual Abuse of a Child** which would add the crime of sexual abuse of a minor under the age of 10 to the list of crimes of violence for which enhanced penalties are applied to specified offenders.

RESOLUTION NO. 41-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly oppose **HB 70 – Public Schools Size of Classes Limitations** which would restrict average class size in each grade to 15 in grades K-3 and 25 in grades 4-12, and the requirement would be effective beginning in the 2008-2009 school year.

RESOLUTION NO. 42-06 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted with Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. O’Neill, and Mr. Romero voting in the affirmative; Mr. Johnson voting in the negative; Mrs. Navarro abstaining:

Resolved, That the Board of Education oppose **HB 71/SB 59 – Public Schools Graduation Rate Formula – Collecting, Maintaining, Analyzing, and Reporting** which would provide a new formula for calculating graduation rate; require public reporting of graduation rates by LEAs and MSDE; and require MSDE to provide training, perform audits, and solicit feedback from the community regarding graduation rates and reporting.

Re: **DISCUSSION**

Ms. Ervin thought the idea behind the bill is the right conversation. This is a problematic issue, and it needs further discussion.

Regarding *HB 71/SB 59-Public Schools Graduation Rate Formula Collecting, Maintaining, Analyzing, and Reporting*, Ms. Cox asked staff to report back to the Board on identifying the key issues of concern, where MCPS is compared to other Maryland jurisdictions, and next steps.

**Mrs. O'Neill temporarily left the meeting.

RESOLUTION NO. 43-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 72 – Public Schools Summer Learning Pilot Program** which would establish a summer program in three counties chosen by the State Board of Education that have Title I schools with a high concentration of students who qualify for the Free and Reduced-Price Meals program. Fifty percent of the funds would be provided by the state. The State Board may not select a county without the approval of the county board of education.

RESOLUTION NO. 44-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly support **HB 133/SB 367 – Maryland Infants and Toddlers Program Grants Funding** which would mandate funding of this program in the state budget, which provides a statewide, community-based interagency system of comprehensive early intervention service for children birth through age 2.

**Mrs. O'Neill rejoined the meeting.

RESOLUTION NO. 45-06 Re: **ITEMS OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted with Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. O'Neill, and Mr. Romero voting in the affirmative: Mr. Johnson and Mrs. Navarro voting in the negative:

Resolved, That the Board of Education oppose **HB 144 – Student Suspension – In-School Requirement** which would require suspended students to report to a specific school location and designated school official to do assigned schoolwork. Suspension is redefined by not including the removal of a student from the school grounds except for placement in a special or alternative education environment.

RESOLUTION NO. 46-06 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education oppose **HB 209 – Workers Compensation – Students in Unpaid Work-Based Learning Experiences – Waiver** which would add the option for a local board of education to waive the requirement for an employer to reimburse the board for the cost of workers compensation for a student in an unpaid work-based learning experience.

RESOLUTION NO. 47-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 301/SB 294 – Children, Youth, and Family Services – Local Management Boards, State Coordinating Council, and Local Coordinating Councils – Services for Children with Special Needs** which would ensure that each local jurisdiction have a local management board (LMB) to plan and implement an interagency service delivery system for children and families.

RESOLUTION NO. 48-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **SB 238 – Education – Comprehensive Induction Program for New Teachers** which would establish and provide funding for an induction program in MSDE for new teachers employed by hard-to-staff schools.

RESOLUTION NO. 49-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support with amendments **SB 249 – High Schools – Automated External Defibrillator Program – Requirement** which would require that each high school facility develop and implement an automated external defibrillator program that meets state requirements. Regulations would be adopted by the Maryland State Department of Education in consultation with health agencies.

RESOLUTION NO. 50-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support with amendments **SB 293/HB 651 – Education – Public Charter Schools – Clarification** which would require public charter schools to submit applications on or before August 1 of each year; require county boards of education to review these applications and render a decision on or before December 1 of each year; prohibit public charter schools from seeking waivers from specified charter school laws; require county boards to disburse unrestricted current expense funds in accordance with a specified formula; and authorize county boards and public charter schools to negotiate for excess funds.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Bowers commented that Kim Oliver, kindergarten teacher at Broad Acres Elementary School, was named a finalist for National Teacher of the Year. Ms. Oliver was named Maryland Teacher of the Year last October. She is a nationally Board-certified teacher and has mentored many of her colleagues who have pursued national certification. She is a team player who had a major role in improving student achievement at Broad Acres. The final round of the national competition is coming up early next month, and MCPS wishes Ms. Oliver every success.

Montgomery County Public Schools has been named a Gold Medal school system for the eleventh consecutive year by Expansion Management magazine. MCPS is one of four school systems in Maryland to earn the Gold Medal designation this year. Carroll, Frederick, and Howard county public schools are the others.

Shaakira Raheem, a junior at Albert Einstein High School, is one of two final candidates for student member of the Maryland State Board of Education.

Congratulations to Montgomery County student Board member, Sebastian Johnson, for his outstanding performance as a finalist on “Teen Jeopardy.”

Mr. Romero commended the Watkins Mill community and how it came together after the death of Mike Tyler, a junior at the school. In addition, Mr. Romero attended an assembly

at Bethesda Chevy-Chase High School with African-American and Latino students that encouraged them to take more rigorous classes, such Advanced Placement. The Strategic Planning Committee has had several meetings on the middle school reform. There has been a lot of research and work to develop a plan. Finally, he attended an event at Twinbrook Elementary School to celebrate its dramatic gains in reading scores.

Mrs. O'Neill noted that she attended the Advanced Placement Press Conference at Walter Johnson High School. The College Board named the school number one in the world for Modern World History exams. She thanked the teachers and students for their hard work. Ms. Cox remarked that she attended the Asian American Educators Association's celebration and the Hispanic Employees Association luncheon, both of which have become highlights of the year.

Mr. Abrams stated that he attended the Federal Relations Network conference, and there was a presentation on how to assign costs to individual schools in determining the relationship between resources and performance.

Mr. Johnson said he visited Advanced Placement, honors, and special education classes at Winston Churchill High School. Also, he gave a speech at Holton Arms where he brought them the debate on *No Child Left Behind*.

Ms. Ervin commented that she met with students at Sherwood and Richard Montgomery high schools. Some students who are African-American high achievers want to address the Board on the achievement gap and how they are personally affected.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 12:45 to 2:10 p.m.

**Ms. Ervin and Mrs. O'Neill temporarily left the meeting.

RESOLUTION NO. 51-06

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

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Abrams, 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, It is recommended that Bid No. 7165.1, Internet Services Provider, be rejected due to lack of competition; and

WHEREAS, A new request was reissued and posted for 28 days for services under the Schools and Libraries Universal Services (E-Rate) competitive bid process to solicit an Internet Service; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of computers, printers, and peripherals through the Contract No. DBM2020; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of a database server through the Contract No. GS-35F-0422L; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of routers and router software through Contract No. 988520000552022; and

WHEREAS, The acquisition of the computers, printers, and peripherals, a database server, and routers and router software through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That Bid No. 7165.1, Internet Services Provider, be rejected due to lack of competition; and be it further

Resolved, That the Internet Services be purchased for a three-year term with Cogent Communications; and be it further

Resolved, That the computers, printers, and peripherals through the Maryland State Contract No. DBM2020 in the amount of \$12,653,495 be lease/purchased for a four-year term under the Master Lease/Purchase Agreement with Carlyle Financial Services; and be it further

Resolved, That a database server through the Contract No. GS-35F-0422L in the amount of \$240,886 be lease/purchased for a four-year term under the Master Lease/Purchase Agreement with Carlyle Financial Services; and be it further

Resolved, That the routers and router software through Contract No. 988520000552022 in the amount of \$436,600 be lease/purchased for a four-year term under the Master Lease/Purchase Agreement with Carlyle Financial Services; and be it further

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

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

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

1301 10000 569248	Internet Services Provider <u>Awardee</u> Cogent Communications	\$ 60,000
3493 30000 566185	Frame Relay Data Lines <u>Awardee</u> Verizon, Maryland, Inc.	\$ 871,316
DBM 2020	Desktop Computers, Printers, Peripherals, Parts and Services—Extension <u>Awardees</u> (See note) Apple Computer Compaq Computers, Inc. Daly Computers* Data Networks of America, Inc. Enable Systems, Inc. Gateway Total	\$15,057,491
GS-35F 0422L	IBM Database Server <u>Awardee</u> Sirius Computer Solutions	\$ 425,000
9885 20000 552022	Routers and Router Software <u>Awardee</u> Verizon Network Integration Corporation	\$ 436,600
MP110 333	Data Lines—Extension <u>Awardee</u> Verizon, Maryland, Inc.	\$ 424,600
1160.1	Enterprise Wide Electronic Grading and Reporting System—Extension <u>Awardee</u> Excelsior Software, Inc.	\$ 300,000

4058.3	Office Furniture—Extension		
	<u>Awardees</u>		
	American Design Associates	\$	3,272
	Douron, Inc.*		361,737
	Officemax		27,433
	School Specialty		<u>2,138</u>
	Total	\$	394,580
4064.7	Art Tools—Extension		
	<u>Awardees</u>		
	Commercial Art Supply	\$	16,765
	Elgin School Supply Company, Inc.		4,673
	Integrity School Supplies*		14,731
	Pyramid School Products		85,969
	Sax Arts and Crafts		15,386
	Service Reproduction Company		1,064
	Standard Stationery Supply Company		205,333
	Windtree Enterprises, Inc.		7,276
	Henry S. Wolkins Company, Inc.*		<u>9,140</u>
	Total	\$	360,337
4087.7	Office and School Supplies		
	<u>Awardees</u>		
	AFP Industries, Inc.*	\$	13,602
	Branch Office Supply Company, Inc.*		3,419
	Bye Mor, Inc.*		5,355
	Interstate Office Supply Company*		110,647
	M & S Nationwide Distributors, Inc.*		7,146
	National Art and School Supplies		89,383
	Officemax		51,850
	Pyramid School Products		259,149
	Rudolph's Office and Computer Supply, Inc.*		64,484
	Smith Office and Computer Supply		101,612
	Standard Stationery Supply Company		117,281
	Frank W. Winne and Son, Inc.		14,000
	Henry S. Wolkins Company, Inc.*		<u>45,606</u>
	Total	\$	883,534

4089.5	Envelopes—Extension		
	<u>Awardees</u>		
	Meadwestvaco Corporation	\$	21,182
	Pyramid School Products		52,616
	Unisource		45,203
	Xpedx		<u>2,398</u>
	Total	\$	121,399
4114.3	Microscopes—Extension		
	<u>Awardees</u>		
	Fisher Science Education	\$	24,897
	General Precision Specialties, LLC		7,060
	Para Scientific Company		8,816
	Parco Scientific Company*		<u>13,970</u>
	Total	\$	54,743
4116.2	Design/Planning/Coordination of Furniture for New/ Modernized Schools		
	<u>Awardee</u>		
	Douron, Inc.*	\$	725,000
4134.2	Art Supplies Systems Contract—Extension		
	<u>Awardees</u> (See note)		
	Nasco		
	Sax Arts and Crafts		
	Total	\$	50,000
4146.1	Office Supplies Systems Contract—Extension		
	<u>Awardee</u>		
	Officemax		\$1,338,445
4185.1	Survey Administration		
	<u>Awardee</u>		
	REDA International*	\$	24,801

4186.1	On-line Courses for Professional Development—Extension	
	<u>Awardee</u>	
	Classroom Connect	\$ 307,700
4774.4	Air Conditioning Equipment Service	
	<u>Awardee</u>	
	Conditioned Air Systems	\$ 111,817
7065.7	Custodial Supplies	
	<u>Awardees</u>	
	Abel Industries, Inc.	\$ 2,218
	Acme Paper and Supply Company, Inc.	7,113
	Buckeye Cleaning Center	34,500
	Calico Industries, Inc.	59,845
	Daycon Products Company, Inc.	111,733
	S. Freedman and Sons, Inc.	486,305
	Gabriel First Corporation	3,015
	Genesis II, Inc.*	66,741
	Industrial Products Supply*	1,645
	Laniado Wholesale Manufacturing Products, Inc.*	11,433
	Leonard Paper Company	204,532
	L.L. Clean Company*	20,055
	Lynn Ladder and Scaffold Company	6,168
	Matworks	11,118
	Metrochem Industries, Inc.	28,439
	National Supply Company	14,185
	Porters Supply Company, Inc.	86,586
	Pyramid School Products	4,593
	Spectrowax Corporation	13,028
	Unisource	42,990
	W. Wiederrecht Marketing, Inc.	3,675
	Xpedx	9,508
	Total	\$1,229,425
7082.4	Custodial Equipment—Extension	
	<u>Awardees</u>	
	Acme Paper and Supply Company, Inc.	\$ 62,465
	Best Supply, Inc.	1,899
	Daycon Products Company, Inc.	90,909
	J. D. Brophy, Inc.*	115,004

	Meyer Material Handling Products, Inc.	1,308
	National Supply Company	<u>12,801</u>
	Total	\$ 284,386
7083.3	Custodial Equipment Repair—Extension	
	<u>Awardees</u> (See note)	
	District Janitorial Repair Company, Inc.	
	National Supply Company	
	Total	\$ 42,000
7119.4	Elementary Mathematics Supplies	
	<u>Awardees</u>	
	ETA Cuisenaire*	\$ 21,715
	Nasco	<u>20,585</u>
	Total	\$ 42,300
7128.2	Audio and Video Equipment Parts	
	<u>Awardees</u> (See note)	
	Central Audio Visual*	
	Cumberland Electronics, Inc.	
	Total	\$ 34,000
7140.1	Telecommunications and Network Wiring, Installation, and Integration—Extension	
	<u>Awardees</u> (See note)	
	Automated Cable Services, Inc.*	
	Crawford Technical Services, Inc.*	
	Fiber Plus, Inc.	
	Netcom Technologies, Inc.	
	PrimeNet, Inc.	
	Quality Solution Technologies, Inc.*	
	Systemcom, Inc.	
	Texel Corporation	
	USA Future Technologies, Inc.*	
	VenAmerica, Inc.*	
	Verizon Network Integration Corporation	
	Total	\$1,400,000

7141.1	Broadband Cable Network Cabling, Installation, and Integration—Extension		
	<u>Awardees</u> (See note)		
	Netcom Technologies, Inc.		
	System, Inc.		
	TCV, LLC		
	Total	\$	400,000
9021.4	Building Materials—Extension		
	<u>Awardees</u>		
	Capitol Building Supply	\$	568
	Greenwald Industrial Products		23,240
	Patuxent Materials, Inc.		13,455
	Pikesville Lumber Company		<u>1,218</u>
	Total	\$	38,481
9605.1	Re-roofing at Strawberry Knoll Elementary School**		
	<u>Awardee</u>		
	Orndorff and Spaid, Inc.	\$	205,423
9611.1	Re-roofing at Benjamin Banneker Middle School**		
	<u>Awardee</u>		
	Interstate Corporation*	\$	922,834
TOTAL PROCUREMENT CONTRACTS OF \$25,000 OR MORE			\$26,546,212

* 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. 52-06

Re: **AWARD OF CONTRACT – DOWNCOUNTY
CONSORTIUM ELEMENTARY SCHOOL #28**

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

WHEREAS, As part of the final action on the FY 2006 Capital Budget, the County Council reserved funds for a 20-percent increase in scheduled expenditures for FY 2006 school projects due to rapidly rising construction prices in the Washington Metropolitan Area; and

WHEREAS, Bids have been received for all of the projects in the FY 2006 Capital Budget, with the exception of the auditorium addition to Walter Johnson High School which will be bid in April 2006; and

WHEREAS, Based on the bids received for the FY 2006 projects, the aggregate increase in the funds needed to complete these projects is within the overall 20-percent increase in expenditures established by the County Council; and

WHEREAS, Special appropriations have been requested as needed for the individual FY 2006 projects; and

WHEREAS, The following sealed bids were received on December 1, 2005, for the Downcounty Consortium Elementary School #28 (Arcola) reopening project:

<u>Bidder</u>	<u>Amount</u>	<u>Linkages to Learning Alternate</u>
Roy Kirby & Sons, Inc.	\$15,149,300	\$285,000
William F. Klingensmith, Inc.	15,544,778	331,780
Tuckman-Barbee Construction Company, Inc.	17,024,000	365,000
Henley Construction Company, Inc.	17,444,000	275,000

and

WHEREAS, The bids contained an alternate for space to accommodate the Montgomery County Department of Health and Human Services Linkages to Learning (LTL) program; and

WHEREAS, The chair of the Montgomery County Council Education Committee has asked that a separate request for the LTL funds be included as part of the contract award for Arcola so that the County Council Education and Health and Human Services committees can consider funding the LTL space with the reopening of Arcola; and

WHEREAS, The low bidder, Roy Kirby & Sons, Inc. (Kirby), has submitted 5.6-percent Maryland Department of Transportation (MDOT)-certified Minority Business Enterprise (MBE) participation, of which 0.8 percent is African-American owned and 4.8 percent is other minority; and

WHEREAS, Kirby also has submitted 20-percent non-MDOT-certified, woman-owned minority participation; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only MDOT-certified minority businesses can be used to satisfy the MBE goal of 25 percent; and

WHEREAS, Kirby has submitted a waiver for the balance of the MDOT-certified MBE participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the MDOT-certified MBE requirements; and

WHEREAS, Kirby has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid exceeds the funds budgeted because of rising construction prices that were not anticipated when the FY 2005–2010 Capital Improvements Program was developed in the fall of 2003; now therefore be it

Resolved, That a \$15,149,300 contract be awarded to Roy Kirby & Sons, Inc., for the Downcounty Consortium Elementary School #28 (Arcola) reopening in accordance with drawings and specifications prepared by The Lukemire Partnership, Inc., contingent upon County Council approval of a special appropriation; and be it further

Resolved, That an FY 2006 Capital Budget special appropriation be requested in the amount of \$2,765,000 to cover higher construction prices for the Arcola reopening project; and be it further

Resolved, That the County Council be asked to consider an FY 2006 Capital Budget special appropriation in the amount of \$285,000 to add Linkages to Learning space as part of the Arcola reopening; and be it further

Resolved, That a change order in the amount of \$285,000 for the Linkages to Learning alternate in the Arcola reopening project be approved contingent upon the County Council's approval of funding for the program; and be it further

Resolved, That the county executive be requested to recommend approval of the special appropriation to the County Council.

RESOLUTION NO. 53-06

Re: **AWARD OF CONTRACT – PARKLAND MIDDLE SCHOOL MODERNIZATION**

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

WHEREAS, On July 6, 2005, the Board of Education authorized staff to utilize a construction management process for the Parkland Middle School modernization project and awarded a contract to Oak Contracting, LLC, for pre-construction services with an option to add management services for the construction phase of the project; and

WHEREAS, On October 24, 2005, and January 10, 2006, the Board of Education awarded contracts for the demolition, concrete, masonry, steel, carpentry, mechanical, and electrical trades for the Parkland Middle School modernization project; and

WHEREAS, Subsequently, Oak Contracting, LLC, received bid proposals for the remaining trade contracts for the project; and

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

WHEREAS, The construction management contract contains provisions that permit the Montgomery County Public Schools (MCPS) to assign the previously awarded trade contracts to Oak Contracting, LLC, as part of a guaranteed price agreement to complete the Parkland Middle School modernization project; and

WHEREAS, Staff has negotiated and recommends approval of a guaranteed price contract with Oak Contracting, LLC, for the completion of the Parkland Middle School project that includes the assignment of trade work bid by MCPS, along with all management and general conditions costs; and

WHEREAS, Oak Contracting, LLC, has agreed to accept the assignment of the Parkland Middle School trade contracts awarded on October 24, 2005, and January 10, 2006, and complete the project for the guaranteed price; and

WHEREAS, The aggregate Minority Business Enterprise (MBE) participation submitted is 18.1-percent Maryland Department of Transportation (MDOT) certified, of which 2.8 percent is African-American, 6.5 percent is female, and 8.8 percent is other minority owned; and

WHEREAS, 1.5-percent non-MDOT certified MBE participation has also been submitted; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only MDOT-certified minority businesses can be used to satisfy the MBE goal of 25 percent; and

WHEREAS, A request has been submitted to waive the balance of the MDOT-certified MBE participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the MDOT-certified MBE requirements; now therefore be it

Resolved, That the trade contracts awarded on October 24, 2005, and January 10, 2006, for the completion of the Parkland Middle School modernization project be assigned to Oak Contracting, LLC; and be it further

Resolved, That a \$28,453,944 contract, to include the assignment of the trade contracts awards on October 24, 2005, and January 10, 2006, be awarded to Oak Contracting, LLC, for the completion of the Parkland Middle School modernization project, in accordance with the drawings and specifications prepared by Moseley Architects, P.C.

RESOLUTION NO. 54-06 Re: **DELEGATION OF AUTHORITY TO AWARD
ELECTRICITY AND NATURAL GAS CONTRACTS**

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

WHEREAS, The Board of Education has participated in a countywide joint procurement group to procure deregulated energy supply contracts since 1999; and

WHEREAS, This joint procurement has been very beneficial, providing a total savings of \$3.3 million to the participants of which the Montgomery County Public Schools received \$1.2 million in savings; and

WHEREAS, The current supply contracts expire in stages between February and July 2006; and

WHEREAS, The Montgomery County Government, as the lead county agency in the joint procurement effort, has collaborated with the participants and an energy supply consultant to develop a bid solicitation for a new agreement; and

WHEREAS, The solicitation and contract provisions comply with the procurement requirements for Maryland State boards of education and were sent to all of the companies licensed to sell electricity in the State of Maryland; and

WHEREAS, There is a very short duration for analyzing and accepting energy supply bids due to the volatility of the electricity market; and

WHEREAS, The Montgomery County Government representative for the joint procurement has requested that participating agencies have preauthorized representatives with the authority to agree on the electricity supply contract within the short duration of the price offering; and

WHEREAS, A limited delegation of authority to award the Board of Education's portion of the joint procurement contract has been recommended to facilitate the electricity supply contract award; and

WHEREAS, Similar market dynamics require expedited award of natural gas supply contracts; and

WHEREAS, The criteria for contracting for energy supply under this limited delegation shall be based on obtaining the best pricing structure available under the joint procurement solicitation; and

WHEREAS, The Board of Education's legal counsel has reviewed this matter and concurs that this delegation of authority is within the Board's purview; and

WHEREAS, A similar delegation of authority was approved by the Board of Education on February 23, 2004; now therefore be it

Resolved, That the authority to commit the Montgomery County Public Schools to contracts for the supply of electricity or natural gas be delegated to Mr. Larry Bowers, chief operating officer, or Mr. Richard Hawes, director, Department of Facilities Management; and be it further

Resolved, That the delegation of authority is limited to the upcoming contract for the Montgomery County joint electricity procurement and the Montgomery County Public Schools natural gas procurement and is effective on the date of this resolution and expires on September 1, 2006; and be it further

Resolved, That a report be submitted to the Board of Education at the conclusion of the energy supply contract awards outlining the results of the joint procurement activities.

RESOLUTION NO. 55-06 Re: **GRANT OF UTILITY EASEMENT AT JAMES HUBERT BLAKE HIGH SCHOOL**

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

WHEREAS, Staff negotiated a Lease Agreement with Omnipoint Communications CAP Operations, LLC (dba T-Mobile), to permit the installation of a telecommunications monopole at James Hubert Blake High School, located at 300 Norwood Road, Silver Spring, Maryland, in accordance with the Board's Policy ECN, *Telecommunications Transmission Facilities*; and

WHEREAS, The Lease Agreement is contingent on an easement grant to the local utility and telecommunications companies to provide service to their equipment; and

WHEREAS, The Potomac Electric Power Company requested a grant of a 10-foot wide utility easement consisting of 0.079 acres to install, operate, and maintain electric power, distribution, and underground communication facilities to serve the proposed telecommunications monopole; and

WHEREAS, The easement will not affect any land that could be used for school programming and recreational facilities; and

WHEREAS, All construction, restoration, and future maintenance will be performed without disruption to the instructional program and at no cost to the Board, with Potomac Electric Power Company and its contractor assuming liability for all work; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a grant of utility easement and right-of-way of 0.079 acres to the Potomac Electric Power Company at James Hubert Blake High School.

RESOLUTION NO. 56-06 Re: **UTILIZATION OF THE FY 2006 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

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

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 15-631, approved May 27, 2005; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2006 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2006 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions</u>	<u>Amount</u>
Smoking Prevention Among Urban Youth		\$ 142,853
Career and Technology Education		
Pathway Program		42,250
Middle School Tobacco Use Prevention Training		15,624
Tobacco Prevention		8,141
Maryland School Improvement Grant		521,279
Title I		24,471
School Performance Recognition Program Awards		21,755
Safe Schools/Healthy Students		60,000

Even Start Family Literacy Program	2.0	184,000
Maryland Model for School Readiness	—	<u>113,045</u>
Total	<u>2.0</u>	<u>\$ 1,133,418</u>

Positions (2 positions)

- 1.0 Teacher
- 0.5 Paraeducator

and be it further

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

RESOLUTION NO. 57-06 Re: FY 2006 SECOND QUARTER CATEGORY AND OBJECT TRANSFER REQUEST

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

Resolved, That the superintendent of schools be authorized to effect FY 2006 categorical transfers of \$2,667,459 in the following categories:

Safe Schools/Healthy Students

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 7,398
3	Instructional Salaries		71,594
4	Textbooks and Instructional Supplies		4,550
5	Other Instructional Costs	\$ 125,782	
7	Student Personnel Services		57,493
12	Fixed Charges	<u>15,253</u>	<u> </u>
	Total	<u>\$ 141,035</u>	<u>\$ 141,035</u>

Title V Innovative Education Program Strategies

	<u>Category</u>	<u>From</u>	<u>To</u>
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1	Administration		\$ 494
3	Instructional Salaries		13,416
4	Textbooks and Instructional Supplies	\$ 33,457	
5	Other Instructional Costs		29,000
12	Fixed Charges	<u>9,453</u>	<u> </u>
	Total	<u>\$ 42,910</u>	<u>\$ 42,910</u>

Title II–D Enhancing Education through Technology

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 421
3	Instructional Salaries	\$ 18,480	
4	Textbooks and Instructional Supplies	23,933	
5	Other Instructional Costs		19,432
12	Fixed Charges	<u> </u>	<u>22,560</u>
	Total	<u>\$ 42,413</u>	<u>\$ 42,413</u>

Title II Student Technology Literacy Consortium

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 7,716	
4	Textbooks and Instructional Supplies	159	
5	Other Instructional Costs	1,683	
12	Fixed Charges	<u> </u>	<u>\$ 9,558</u>
	Total	<u>\$ 9,558</u>	<u>\$ 9,558</u>

Maryland Student Online Consortium

	<u>Category</u>	<u>From</u>	<u>To</u>
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3	Instructional Salaries	\$	4,870	
4	Textbooks and Instructional Supplies		664	
5	Other Instructional Costs	\$		5,924
12	Fixed Charges		<u>390</u>	<u> </u>
	Total	\$	<u>5,924</u>	<u>\$ 5,924</u>

Even Start Family Literacy

	<u>Category</u>		<u>From</u>	<u>To</u>
12	Fixed Charges	\$	7,480	
14	Community Services		<u> </u>	<u>\$ 7,480</u>
	Total	\$	<u>7,480</u>	<u>\$ 7,480</u>

Title III English Language Acquisition

	<u>Category</u>		<u>From</u>	<u>To</u>
2	Mid-level Administration			\$ 40,695
3	Instructional Salaries	\$	115,633	
4	Textbooks and Instructional Supplies			68,618
5	Other Instructional Costs		<u> </u>	<u>6,320</u>
	Total	\$	<u>115,633</u>	<u>\$ 115,633</u>

International Research and Studies Program

	<u>Category</u>		<u>From</u>	<u>To</u>
2	Mid-level Administration	\$	46,500	
3	Instructional Salaries			\$ 28,559
4	Textbooks and Instructional Supplies			11,661
5	Other Instructional Costs			21,200
12	Fixed Charges		<u>14,920</u>	<u> </u>

	Total	<u>\$ 61,420</u>	<u>\$ 61,420</u>
Head Start			
	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration		\$ 11,778
3	Instructional Salaries	\$ 15,594	
5	Other Instructional Costs	17,275	1,339
7	Student Personnel Services	9,594	
9	Student Transportation	874	
12	Fixed Charges	<u> </u>	<u>30,220</u>
	Total	<u>\$ 43,337</u>	<u>\$ 43,337</u>
Title I			
	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration	\$ 48,405	
3	Instructional Salaries		\$1,424,188
4	Textbooks and Instructional Supplies	55,316	
5	Other Instructional Costs	1,825,281	
9	Student Transportation	268,747	
12	Fixed Charges	<u> </u>	<u>773,561</u>
	Total	<u>\$2,197,749</u>	<u>\$2,197,749</u>

and be it further

Resolved, That the superintendent of schools be authorized to effect FY 2006 object transfers of \$1,877,426 as follows:

Title I

<u>Object</u>	<u>From</u>	<u>To</u>
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01	Salaries and Wages		\$1,375,783
02	Contractual Services	\$1,832,110	
03	Supplies and Materials	55,316	
04	Other	_____	<u>511,643</u>
	Total	<u>\$ 1,887,426</u>	<u>\$1,887,426</u>

and be it further

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

**Ms. Ervin and Mrs. O’Neill rejoined the meeting.

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Mr. Romero, the following resolutions were placed on the table:

**Re: ADOPTION OF AMENDED AND RESTATED TAX
SHELTERED SAVINGS AND DEFERRED
COMPENSATION PLANS**

WHEREAS, The Board of Education wishes to adopt the attached 403(b) Plan Amendment and Restatement as required by Internal Revenue Service guidelines; and

WHEREAS, The Board of Education wishes to adopt the attached 457(b) Plan Amendment and Restatement to permit employer contributions to the plan; and

WHEREAS, The Board of Education wishes to amend both the 403(b) and 457(b) plan documents to delegate to the superintendent of schools the authority to make such future amendments to the plans as may be necessary to comply with the Internal Revenue Code and regulations thereunder; now therefore be it

Resolved, That the Board of Education hereby adopt the 403(b) Plan Amendment and Restatement in substantially the form; and be it further

Resolved, That the authority to make such further modifications and amendments to the 403(b) Plan as may be necessary or advisable from time to time to comply with the Internal Revenue Code and regulations thereunder be delegated to the superintendent of schools; and be it further

Resolved, That the Board of Education hereby adopt the 457(b) Plan Amendment and Restatement in substantially the form; and be it further

Resolved, That the authority to make such further modifications and amendments to the 457(b) Plan as may be necessary or advisable from time to time to comply with the Internal Revenue Code and regulations thereunder be delegated to the superintendent of schools; and be it further

Resolved, That the superintendent of schools be authorized to execute the documents necessary to carry out the intent and accomplish the purpose of this resolution.

Re: **AWARD OF CONTRACTS – EMPLOYEE 403(B)
AND 457(B) PLANS**

WHEREAS, The Montgomery County Board of Education, by Resolutions 334-65, 365-65, and 415-02, has offered a tax-deferred annuity program for its employees since 1965 and a deferred compensation program since 2003 in accordance with Sections 403(b) and 457(b), respectively, of the Internal Revenue Code as amended; and

WHEREAS, A review of the performance and service of defined contribution providers is made every four years to determine whether they should continue or new providers should be added; and

WHEREAS, Having been duly advertised under RFP 1143.2, companies were asked to submit proposals for consideration; and

WHEREAS, An expert consultant, Mercer Investment Consulting, was retained to assist in the evaluation of proposals; and

WHEREAS, Staff completed the evaluation by combining Mercer's analysis with data on provider performance and employee participation; and

WHEREAS, Evaluation results and recommendations were presented to and approved by members of the Board of Education Audit Committee and the Joint Employee Benefits Committee; now therefore be it

Resolved, That the following six companies previously approved by the Board of Education be continued as defined contribution providers:

- AIG/VALIC, Houston, Texas
- Fidelity Investments Tax-Exempt Services Company, Marlborough, Massachusetts
- ING Financial Services, Hartford, Connecticut
- Lincoln Financial, Fort Wayne, Indiana
- T. Rowe Price Associates, Inc., Baltimore, Maryland

TIAA-CREF, New York, New York

and be it further

Resolved, That eight providers, Ameriprise Financial, CitiStreet Associates, The Hartford, Lincoln Investment Planning, Metropolitan Life Insurance, Prudential Retirement Services, QUADS Financial Group, and Legg Mason Wood Walker, be removed from the list of approved providers effective August 1, 2006; and be it further

Resolved, That nothing in these resolutions should be deemed to constitute the Board's recommendation of one provider over another, or the Board's recommendation or endorsement of any particular investment product offered by an approved defined contribution provider; and be it further

Resolved, That all defined contribution providers will meet Montgomery County Public Schools marketing guidelines for solicitation, conduct, and disclosure of costs, and that any carrier violating these guidelines will lose the right to conduct business with Montgomery County Public Schools.

Re: **DISCUSSION**

Mr. Abrams commented that these two items are taken together because they relate to changes in the way the school system will administer the 403(b) and 457(b) plans. These are retirement plans available to public sector employees under old legislation. These plans were under insurance companies and mutual fund providers prior to legislation authorizing 401(k)s or IRAs. The review was done this year because there were changes in the administration and requirements on the part of fiduciaries.

Generally, these are all individual contracts between employees and the companies. The obligation of the school system is to enter into master contracts that govern the relationship of the plan, but the individual decisions by employees are left to them to select a vendor from an approved list of vendors. Up until the end of the year, funds from 403(b) and 457(b) could be rolled over to 401(k)s or IRAs that would allow for a full range of management. Current employees can keep the same vendors, and the only change is how new contributions will be affected, which is limited.

The new regulations also require new obligations of the school system as master provider. That is to exercise fiduciary responsibility to assure that the cost structure of the vendors approved under the plan provide the best benefit for the employees.

There has been concern about employees receiving financial advice from these vendors. There is nothing that precludes an employee from entering into an independent financial advice relationship with a consultant.

Mr. Abrams asked about top-tier, full-service offerings. The representation from the companies is that only annuities will be available. Do the providers have both mutual funds and annuities? Why was there no mutual fund provider included? Staff replied that the evaluation criteria recognized that MCPS was a large employer with a dispersed work force, and the attempt was to identify companies that could support MCPS and employees around the clock with various distribution channels, educational materials, lower fees, and competitive investments.

Mr. Abrams remarked that there are certain kinds of investments that are permitted under both plans – either annuities or mutual funds. He asked if only broker dealers can provide mutual funds at a higher tier. Staff replied that the high-tier annuity companies could offer plans, but the traditional model is that they do not offer advice on a mutual fund platform.

Mr. Abrams clarified that the only companies that offer mutual funds with advice would be broker dealers. Staff replied that Fidelity and T. Rowe offer advice software, but that is self-help.

Mr. Abrams stated that the second tier comes with advice, and there is a premium paid for that advice. Is there anyone that offers a cost-competitive product that offers mutual funds with advice? Staff replied that they did not receive a cost-competitive bid.

Mr. Romero pointed out that employees wanted service with mutual funds when they need assistance. Now, the plan does not offer that service. In the RFP process, did any company bid on providing that service? Staff replied that there were companies that offered the service, and the evaluation criteria eliminated those companies.

Mr. Romero asked how many employees participated in annuities or mutual funds, and what the impact would be on employees. Staff replied that the new proposal will require 4,000 employees to redirect their funds.

Mr. Abrams asked what would have to be done to fix this plan. He asked if there was a reason MCPS cannot partially approve the changes and give direction about additions, and find mutual fund providers subsequent to action. Staff replied that would be under a separate procurement bid.

Mr. Abrams thought the idea was to reduce the number of vendors and use the leverage of a limited number of vendors for price negotiations. He was under the assumption that there was a parallel between annuities and mutual funds. Employees are not precluded from paying for advice, but there could be a company that offers mutual funds and advice. Under the 401(k) platform, those packages exist for mutual funds. Are there vendors that mirror 401(k) for the combined 403(b) and 457(b) plans?

Ms. Cox stated that in the interest of meeting regulatory requirements, MCPS made decisions and asked for bids on investment opportunities what would offer advice.

However, if the service was limited, the criteria eliminated that bidder. What was the rationale for not providing the plan with advice? Staff replied that advice is available, but not through the 403(b) and 457(b) plans.

Ms. Ervin asked if the review of the plans was done with the cooperation of the collective bargaining units. Staff replied that work was done with all three unions.

Ms. Ervin was concerned about 4,000 employees making decisions without advice. She would prefer not to make a decision at this meeting. Mr. Abrams explained that no employee will be required to change existing investments, and the new regulation applies to new money contributed after the first of the year.

Mr. Abrams stated that he was prepared to take it back to the Audit Committee.

RESOLUTION NO. 58-06 Re: **ADOPTION OF AMENDED AND RESTATED TAX
SHELTERED SAVINGS AND DEFERRED
COMPENSATION PLANS**

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

WHEREAS, The Board of Education wishes to adopt the 403(b) Plan Amendment and Restatement as required by Internal Revenue Service guidelines; and

WHEREAS, The Board of Education wishes to adopt the 457(b) Plan Amendment and Restatement to permit employer contributions to the plan; and

WHEREAS, The Board of Education wishes to amend both the 403(b) and 457(b) plan documents to delegate to the superintendent of schools the authority to make such future amendments to the plans as may be necessary to comply with the Internal Revenue Code and regulations thereunder; now therefore be it

Resolved, That the Board of Education hereby adopts the 403(b) Plan Amendment and Restatement in substantially the form; and be it further

Resolved, That the authority to make such further modifications and amendments to the 403(b) Plan as may be necessary or advisable from time to time to comply with the Internal Revenue Code and regulations thereunder be delegated to the superintendent of schools; and be it further

Resolved, That the Board of Education hereby adopts the 457(b) Plan Amendment and Restatement in substantially the form; and be it further

Resolved, That the authority to make such further modifications and amendments to the 457(b) Plan as may be necessary or advisable from time to time to comply with the Internal Revenue Code and regulations thereunder be delegated to the superintendent of schools; and be it further

Resolved, That the superintendent of schools be authorized to execute the documents necessary to carry out the intent and accomplish the purpose of this resolution.

RESOLUTION NO. 59-06 Re: **AWARD OF CONTRACTS – EMPLOYEE 403(B) AND 457(B) PLANS**

On motion of Mr. Johnson and seconded by Ms. Ervin, the following resolution was adopted with Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O’Neill, and Mr. Romero voting in the affirmative; Ms. Cox voting in the negative:

Resolved, That the Board of Education table the following resolution until the Audit Committee can review the plans and make further recommendations.

WHEREAS, The Montgomery County Board of Education, by Resolutions 334-65, 365-65, and 415-02, has offered a tax-deferred annuity program for its employees since 1965 and a deferred compensation program since 2003 in accordance with Sections 403(b) and 457(b), respectively, of the Internal Revenue Code as amended; and

WHEREAS, A review of the performance and service of defined contribution providers is made every four years to determine whether they should continue or new providers should be added; and

WHEREAS, Having been duly advertised under RFP 1143.2, companies were asked to submit proposals for consideration; and

WHEREAS, An expert consultant, Mercer Investment Consulting, was retained to assist in the evaluation of proposals; and

WHEREAS, Staff completed the evaluation by combining Mercer’s analysis with data on provider performance and employee participation; and

WHEREAS, Evaluation results and recommendations were presented to and approved by members of the Board of Education Audit Committee and the Joint Employee Benefits Committee; now therefore be it

Resolved, That the following six companies previously approved by the Board of Education be continued as defined contribution providers:

AIG/VALIC, Houston, Texas
 Fidelity Investments Tax-Exempt Services Company,
 Marlborough, Massachusetts
 ING Financial Services, Hartford, Connecticut
 Lincoln Financial, Fort Wayne, Indiana
 T. Rowe Price Associates, Inc., Baltimore, Maryland
 TIAA-CREF, New York, New York

and be it further

Resolved, That eight providers, Ameriprise Financial, CitiStreet Associates, The Hartford, Lincoln Investment Planning, Metropolitan Life Insurance, Prudential Retirement Services, QUADS Financial Group, and Legg Mason Wood Walker, be removed from the list of approved providers effective August 1, 2006; and be it further

Resolved, That nothing in these resolutions should be deemed to constitute the Board's recommendation of one provider over another, or the Board's recommendation or endorsement of any particular investment product offered by an approved defined contribution provider; and be it further

Resolved, That all defined contribution providers will meet Montgomery County Public Schools marketing guidelines for solicitation, conduct, and disclosure of costs, and that any carrier violating these guidelines will lose the right to conduct business with Montgomery County Public Schools.

RESOLUTION NO. 60-06 Re: HUMAN RESOURCES MONTHLY REPORT

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated February 14, 2006.

RESOLUTION NO. 61-06 Re: APPOINTMENTS

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

Resolved, That the following personnel appointments be approved effective February 15, 2006:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
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Richard Cox	Environmental Safety Specialist	Environmental Safety Coordinator
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<u>Appointment</u> Rosie Ramirez	<u>Current Position</u> Assistant Principal, Judith A. Resnik ES	<u>As</u> Coordinator, Special Initiative, OCIP
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<u>Appointment</u> Melissa Woods	<u>Current Position</u> Acting Director, Technology Planning and Fiscal Management	<u>As</u> Director, Technology Planning and Fiscal Management
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Re: **MONTHLY FINANCIAL REPORT**

Mr. Bowers stated that the report on was based on the actual financial condition of MCPS as of December 31, 2005, and projections through June 30, 2006, based on program requirements and estimates made by primary and secondary account managers. At that time, revenues had a projected surplus of \$654,927, while expenses had a projected surplus of \$300,000. Staff will continue to monitor closely both revenues and expenditures.

RESOLUTION NO. 62-06 Re: **PRELIMINARY PLANS – FIELDS ROAD ELEMENTARY SCHOOL ADDITION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O’Neill, the following resolution was adopted with Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. O’Neill, and Mr. Romero voting in the affirmative; Mr. Abrams and Mrs. Navarro were temporarily out of the room:

WHEREAS, The architect for the proposed Fields Road Elementary School addition, Proffitt and Associates Architects, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Fields Road Elementary School Facility Advisory Committee has provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plans report for the Fields Road Elementary School addition developed by Proffitt and Associates Architects.

Re: **ADOPTION OF FY 2007 OPERATING BUDGET REQUEST**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was placed on the table:

WHEREAS, The superintendent of schools presented the Recommended FY 2007 Operating Budget of \$1,836,886,152, to the Board of Education on December 14, 2005; and

WHEREAS, An upcounty high school magnet program at Poolesville High School, a continuation of the center programs implemented at Roberto Clemente Middle School in FY 2004, will necessitate the addition of 4.5 FTEs and other expenditures at a cost of \$399,330; and

WHEREAS, Increases in ESOL enrollment projections require the addition of one new Multidisciplinary Educational Training and Support Program (METS) class for English language learners, including 2.0 positions at a cost of \$90,468, and 3.6 teacher positions for ESOL classes at a cost of \$208,105; and

WHEREAS, High school reform initiatives, including class-size reduction, and literacy programs, were included in the superintendent's Recommended FY 2007 Operating Budget with the addition of a total of 34.0 FTEs and a total cost of \$2,600,000; and

WHEREAS, The Special Education Staffing Committee – composed of parents, teachers, principals, special education staff, and special education advocates – held three meetings in June and July of 2005, and recommendations were submitted to the Office of Special Education and Student Services; and

WHEREAS, The Recommended FY 2007 Operating Budget includes all of the staffing plan elements required by the Maryland State Department of Education; now therefore be it

Resolved, That the Board of Education approve the FY 2007 Special Education Staffing Plan as outlined in the Recommended FY 2007 Operating Budget; and be it further

Resolved, That upon final approval of the operating budget in June 2007, the Special Education Staffing Plan will be submitted to MSDE; and be it further

Resolved, That the Board of Education adopt the Superintendent's Recommended FY 2007 Operating Budget as amended totaling \$1,837,584,055, as follows:

Category	Superintendent's Recommended Operating Budget	Amendments	Amended Recommended Budget
1 Administration	\$ 38,417,722		\$ 38,417,722
2 Mid-level Administration	117,904,098	\$ 119,477	118,023,575
3 Instructional Salaries	763,622,132	372,667	763,994,799
4 Textbooks and Instructional Supplies	35,723,046	72,000	35,795,046
5 Other Instructional Costs	18,920,227	13,500	18,933,727

6 Special Education	228,211,384		228,211,384
7 Student Personnel Services	10,431,421		10,431,421
8 Health Services	46,138		46,138
9 Student Transportation	78,695,894		78,695,894
10 Operation of Plant and Equipment	105,162,382		105,162,382
11 Maintenance of Plant	30,410,825		30,410,825
12 Fixed Charges	357,155,909	120,259	357,276,168
14 Community Services	208,495		208,495
37 Instructional Television Fund	1,307,716		1,307,716
51 Real Estate Fund	2,792,452		2,792,452
61 Food Services Fund	44,373,243		44,373,243
71 Field Trip Fund	1,979,516		1,979,516
81 Entrepreneurial Activities Fund	1,523,552		1,523,552
 Total	 <u>\$1,836,886,152</u>	 <u>\$697,903</u>	 <u>\$1,837,584,055</u>

RESOLUTION NO. 63-06

Re: **AN AMENDMENT TO THE FY 2007 OPERATING BUDGET REQUEST**

On motion of Mrs. O'Neill and seconded by Mr. Abrams, the following amendment was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. O'Neill, and Mr. Romero voting in the affirmation; Ms. Ervin, Mr. Johnson, and Mrs. Navarro voting in the negative:#

WHEREAS, The Board of Education's first priority is full funding for the \$1,837,584,055 budget request as recommended by the superintendent of schools to provide resources necessary for continued progress on the public's priorities for our schools and students as identified in *Our Call to Action: Pursuit of Excellence*, the MCPS strategic plan; and

WHEREAS, The Board of Education recognizes the county executive's and County Council's commitment to public education and encourages the utilization of all available resources to accelerate progress on the goals and measures of our strategic plan; and

WHEREAS, Our efforts to strengthen productive partnerships can be further improved through outreach to members of our school communities for whom English is not their primary language; and

WHEREAS, Public confidence in the efficacy of the Board of Education's policies is strengthened through review and evaluation of their implementation and effect; and

WHEREAS, Accelerating the implementation of full-day kindergarten allows 13 elementary schools to provide the benefits of a full-day program, completing system-wide implementation one year ahead of schedule; now therefore be it

Resolved, That the Board of Education amend the Superintendent's Recommended Operating Budget of \$1,837,584,055 by adding the following items to the budget request:

Completing the implementation of full-day kindergarten in all schools in FY 2007 at a cost of \$1,162,821 and 19.0 teacher positions

Increasing resources for the ESOL Parent Outreach Program by adding 4.0 ESOL parent community coordinator positions at a cost of \$254,316

Providing resources to develop and maintain a process to review and evaluate the implementation and effectiveness of Board of Education policies by adding one position and part-time salaries in the amount of \$118,163

and be it further

Resolved, That these items will be given first consideration for reductions that may be necessary as part of final budget action.

Re: **AN AMENDMENT TO THE FY 2007 OPERATING BUDGET REQUEST**

On motion of Mrs. Navarro and seconded by Ms. Ervin, the following resolution failed with Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. Navarro voting in the affirmative; Mr. Abrams, Ms. Cox, Mrs. O'Neill, and Mr. Romero voting in the negative:#

WHEREAS, Goal #3 of our Strategic Plan is to "Strengthen Productive Partnerships for Education," consistent with the Board's identified academic priority to "Strengthen family-school relationships and continue to expand civic, business, and community partnerships that support improved academic achievement;"

WHEREAS, feedback from the community forums clearly showed a need for increased involvement of parents, especially for those parents who do not speak English; and

WHEREAS, testimony from the Montgomery County Council of PTAs, Northeast Consortium, Seneca Valley Cluster, Blair Cluster, Kennedy Cluster, Einstein Cluster, Rockville Cluster, Richard Montgomery Cluster, Northwood Cluster, Montgomery County Community Action Board, Montgomery County Commission on Children and Youth, Chinese Culture and Community Services, and others have expressed the need for strengthened school/parental involvement; and

WHEREAS, a school-based parent/community coordinator position provides an entry point of contact for all parents, and serves as a catalyst for school/parent/community communication; and

WHEREAS, this position should be within the Division of Family and Community Partnerships, working in close collaboration with the ESOL parent specialists, Pupil Personnel Workers, Guidance Counselors, Psychologists, PTAs, other parent groups, civic organizations, businesses, universities and community-based organizations; now therefore be it

Resolved, that the FY07 recommended operating budget be further amended by the addition of four Parent Community Coordinators to be assigned to the clusters with the highest aggregate mobility, ESOL, FARMS rates, at a cost of \$242,432 (\$60,608 per position, including benefits); and be it further

Resolved, that the FY07 recommended operating budget be further amended by the addition of a Language Facilitator position to the Translation Unit, for the coordination of school-based interpretation and translation services at a cost of \$72,860, including benefits.

RESOLUTION NO. 64-06 Re: **ADOPTION OF FY 2007 OPERATING BUDGET REQUEST**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mr. Johnson, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin and Mrs. Navarro voting in the negative:#

WHEREAS, The superintendent of schools presented the Recommended FY 2007 Operating Budget of \$1,836,886,152, to the Board of Education on December 14, 2005; and

WHEREAS, An upcounty high school magnet program at Poolesville High School, a continuation of the center programs implemented at Roberto Clemente Middle School in FY 2004, will necessitate the addition of 4.5 FTEs and other expenditures at a cost of \$399,330; and

WHEREAS, Increases in ESOL enrollment projections require the addition of one new Multidisciplinary Educational Training and Support Program (METS) class for English language learners, including 2.0 positions at a cost of \$90,468, and 3.6 teacher positions for ESOL classes at a cost of \$208,105; and

WHEREAS, High school reform initiatives, including class-size reduction, and literacy programs, were included in the superintendent's Recommended FY 2007 Operating Budget with the addition of a total of 34.0 FTEs and a total cost of \$2,600,000; and

WHEREAS, The Special Education Staffing Committee – composed of parents, teachers, principals, special education staff, and special education advocates – held three meetings

in June and July of 2005, and recommendations were submitted to the Office of Special Education and Student Services; and

WHEREAS, The Recommended FY 2007 Operating Budget includes all of the staffing plan elements required by the Maryland State Department of Education; now therefore be it

Resolved, That the Board of Education approve the FY 2007 Special Education Staffing Plan as outlined in the Recommended FY 2007 Operating Budget; and be it further

Resolved, That upon final approval of the operating budget in June 2007, the Special Education Staffing Plan will be submitted to MSDE; and be it further

Resolved, That the Board of Education adopt the Superintendent's Recommended FY 2007 Operating Budget, as amended, totaling \$1,839,119,355, as follows:

Category	Superintendent's Recommended Operating Budget	Amendments	Amended Recommended Budget
1 Administration	\$ 38,417,722	\$ 87,579	\$ 38,417,722
2 Mid-level Administration	117,904,098	119,477	118,023,575
3 Instructional Salaries	763,622,132	1,441,363	763,994,799
4 Textbooks and Instructional Supplies	35,723,046	129,968	35,795,046
5 Other Instructional Costs	18,920,227	13,500	18,933,727
6 Special Education	228,211,384		228,211,384
7 Student Personnel Services	10,431,421		10,431,421
8 Health Services	46,138		46,138
9 Student Transportation	78,695,894		78,695,894
10 Operation of Plant and Equipment	105,162,382		105,162,382
11 Maintenance of Plant	30,410,825		30,410,825
12 Fixed Charges	357,155,909	441,316	357,276,168
14 Community Services	208,495		208,495
37 Instructional Television Fund	1,307,716		1,307,716
51 Real Estate Fund	2,792,452		2,792,452
61 Food Services Fund	44,373,243		44,373,243
71 Field Trip Fund	1,979,516		1,979,516
81 Entrepreneurial Activities Fund	1,523,552		1,523,552
Total	\$1,836,886,152	\$2,233,203	\$1,837,584,055

RESOLUTION NO. 65-06

Re: **CLOSED SESSION RESOLUTION**

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

WHEREAS, The Board of Education of Montgomery County 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, February 27, 2006, in Room 120 of the Carver Educational Services Center to meet from 6:00 to 6:30 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

RESOLUTION NO. 66-06 Re: **REPORT OF CLOSED SESSION**

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

On January 10, 2006, by unanimous vote of members present, the Board of Education voted to conduct a closed session as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed session on January 10, 2006, from 9:00 to 9:55 a.m., 1:00 to 2:00 p.m., and 4:45 to 6:15 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2005-44, 2005-47, and 2005-48.
2. Reviewed and considered the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2005-19, 2005-49, 2005-50, 2005-52, and 2005-58.
3. Discussed the Human Resources Monthly Report and Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Considered the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*.
5. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.

- 6. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed sessions were: Steve Abrams, Aggie Alvez, Giles Benson, Larry Bowers, Judy Bresler, Patrick Clancy, Sharon Cox, Brian Edwards, Valerie Ervin, Charles Haughey, Richard Hawes, Roland Ikheloa, Sebastian Johnson, Don Kress, Frieda Lacey, Erik Lang, George Margolies, Susan Marks, Kevin Maxwell, Nancy Navarro, Pat O'Neill, John Q. Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Frank Stetson, Matt Tronzano, and Jerry Weast.

RESOLUTION NO. 67-06 Re: **MINUTES**

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

Resolved, That the Board of Education approve its minutes for September 26, October 11 and 24, November 2, November 6, and December 6, 2005, and January 12 and 19, 2006.

RESOLUTION NO. 68-06 Re: **NAMES FOR THE CLARKSBURG/DAMASCUS ELEMENTARY SCHOOL #7**

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

WHEREAS, The deputy superintendent of schools has advised the Board of Education that she has asked the newly designated principal of Clarksburg/Damascus Elementary School #7 to begin the process for recommending to the Board a permanent name for the school; and

WHEREAS, Policy FFA (*Naming School Facilities*) provides for the Board to develop a listing of up to four names to be given to a school naming committee which shall recommend "in priority order, its preference from among the listing of names provided by the Board of Education and up to two additional names recommended by the committee;" and

WHEREAS, Pursuant to Policy FFA, the final responsibility for officially naming a school building rests with the Board of Education; now therefore be it

Resolved, That the Board of Education hereby submit the following names to the principal of Clarksburg/Damascus Elementary School #7 for consideration by the school naming committee:

- John G. Clark
- Sandra Day O'Connor
- William Ruth
- Wilson Wims

RESOLUTION NO. 69-06

Re: **NAMES FOR THE DOWNCOUNTY CONSORTIUM
ELEMENTARY SCHOOL #27**

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

WHEREAS, The deputy superintendent of schools has advised the Board of Education that she has asked the newly designated principal of Downcounty Consortium Elementary School #27 to begin the process for recommending to the Board a permanent name for the school; and

WHEREAS, Policy FFA (*Naming School Facilities*) provides for the Board to develop a listing of up to four names to be given to a school naming committee which shall recommend “in priority order, its preference from among the listing of names provided by the Board of Education and up to two additional names recommended by the committee”; and

WHEREAS, Pursuant to Policy FFA, the final responsibility for officially naming a school building rests with the Board of Education; now therefore be it

Resolved, That the Board of Education hereby submit the following names to the principal of Downcounty Consortium Elementary School #7 for consideration by the school naming committee:

- Rita Davidson
- Sandra Day O’Connor
- Tito Puente
- R. Sargent Shriver

**Mr. Johnson temporarily left the meeting

RESOLUTION NO. 70-06

Re: **NAMES FOR THE NORTHWEST ELEMENTARY
SCHOOL #7**

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

WHEREAS, The deputy superintendent of schools has advised the Board of Education that she has asked the newly designated principal of Northwest Elementary School #7 to begin the process for recommending to the Board a permanent name for the school; and

WHEREAS, Policy FFA (*Naming School Facilities*) provides for the Board to develop a listing of up to four names to be given to a school naming committee which shall recommend “in priority order, its preference from among the listing of names provided by the Board of Education and up to two additional names recommended by the committee;” and

WHEREAS, Pursuant to Policy FFA, the final responsibility for officially naming a school building rests with the Board of Education; now therefore be it

Resolved, That the Board of Education hereby submit the following name to the principal of Northwest Elementary School #7 for consideration by the school naming committee:

Lillian B. Brown

RESOLUTION NO. 71-06 Re: **APPEALS**

On motion of Ms. Cox and Mr. Abrams, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education hereby decide the following appeals, reflective of the Board members' votes in closed session, the disposition of each which shall be recorded separately in the minutes of this meeting:

1. Decision and Order in Appeal 2005-19, student expulsion, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Johnson voting to reverse.

2. Decision and Order in Appeal 2005-49, student suspension, reflective of the following vote: Mr. Abrams, Ms. Cox, Mr. Johnson, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Ms. Ervin voting to reverse.

3. Decision and Order in Appeal 2005-52, disability retirement, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Mr. Johnson, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm.

4. Decision and Order in Appeal 2005-54, student suspension, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Mr. Johnson, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm.

**Ms. Ervin temporarily left the meeting.

RESOLUTION NO. 72-06 Re: **BOARD MEETINGS**

On motion of Mr. Abrams and seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education direct its staff to prepare a history of Board Policies and Procedures and state law regarding how and when the Board meets in public session as a precursor to a discussion of modernization of Board practices.

**Ms. Ervin and Mr. Johnson rejoined the meeting.

Re: **WEIGHTING OF ADVANCED PLACEMENT CLASSES**

On motion of Mr. Johnson and seconded by Mrs. O'Neill, the following resolution failed with Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. Navarro voting in the affirmative; Mr. Abrams, Ms. Cox, Mrs. O'Neill, and Mr. Romero voting in the negative:

WHEREAS, The weighting of Advanced Placement (AP) classes have been called into question by some MCPS students; and

WHEREAS, AP classes are currently weighted on the same scale as honors classes; and

WHEREAS, AP classes require more rigor and include more demanding material than honors classes; now therefore be it

Resolved, That the Board of Education ask the superintendent to prepare a report to the Board on the impact of giving additional weight to grades in AP classes when calculating Grade Point Average (GPA).

Re: **NEW BUSINESS**

On motion of Ms. Ervin and seconded by Mrs. Navarro, the following resolution was placed on the table:

Resolved, That the Superintendent of Schools convene a workgroup comprising parents, students, principals and appropriate key stakeholders to recommend ways in which local schools may design and implement extracurricular programs that are tailored to address the individual needs of all students including those that do not currently meet academic eligibility requirements; and be it further

Resolved, That the recommendations include identification of appropriate supports for ensuring the viability of these programs; and be it further

Resolved, That the workgroup's recommendations be presented before the Board of Education, no later than December 2006.

On motion of Ms. Cox and seconded by Mr. Abrams the following resolution was placed on the table:

WHEREAS, At the February 8, 2006 County Council public hearing on the Montgomery County Public Schools (MCPS) FY 2007-2012 Capital Improvements Program (CIP) request, Councilmember Michael Subin indicated that the county executive's statement that he had recommended full funding for the MCPS CIP was incorrect; and

WHEREAS, Facilities staff has reviewed Mr. Subin's comments and contrasted the county executive's recommended expenditures with the Board of Education's request; and

WHEREAS, The difference in the county executive's recommended expenditures for the first two years of the CIP and the Board of Education request would cause deferrals that would move certain projects out of the six-year plan; and

WHEREAS, It appears that the expenditure shifts recommended by the county executive would reduce the six-year total of the MCPS CIP to \$1.092 million which is less than the \$1.174 million requested by the Board of Education; and

WHEREAS, If the county executive's recommendations for the FY 2007-2012 CIP are adopted by the County Council, the Board of Education will be forced to shift approximately \$121 million from FY 2007 and FY 2008 to the out-years of the CIP, causing multiple project deferrals; and

WHEREAS, The Board adopted the following Capital Budget priorities as part of the FY 2005-2010 CIP with number one being the highest priority:

1. Safety and Health
2. Critical Capital Maintenance
3. Capacity
4. Modernization
5. Elementary School Gymnasia

and;

WHEREAS, Staff has recommended that these priorities be reaffirmed for the FY 2007-2012 CIP; now therefore be it

Resolved, That the Board of Education endorse Councilman Michael Subin's February 8, 2006, position that the county executive's recommendations for the FY 2007-2012 Capital Improvements Program (CIP) do not fully fund the Board of Education's request; and be it further

Resolved, That the Board of Education reaffirm the Capital Budget priorities for the FY 2007-2012 CIP and agree that any project deferrals required by less than full funding of the first two years (FY07 and FY08) of the Board's requested CIP, be identified in accordance with the following order, with item number five (5) being the lowest priority and the first category to be deferred.

- 1. Safety and Health
- 2. Critical Capital Maintenance
- 3. Capacity
- 4. Modernization
- 5. Elementary School Gymnasias

Re: ITEMS OF INFORMATION

The following items of information were available:

- 1. Legal Fees Report
- 2. Construction Progress Report
- 3. Minority-, Female-, or Disabled-owned Business Procurement Report for the Second Quarter of FY 2006

RESOLUTION NO. 73-06 Re: ADJOURNMENT

On recommendation of the Superintendent and on motion of Ms. Ervin and seconded by Mrs. Navarro, the following resolution was adopted unanimously:

Resolved, That the Board of Education adjourn its meeting of February 14, 2006, at 4:30 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

February 14, 2006

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