

APPROVED
13-2006

Rockville, Maryland
May 9, 2006

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, May 9, 2006, at 9:50 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
Dr. Jerry Weast, Secretary/Treasurer

Absent: Ms. Sarah Horvitz, Student Board Member–Elect

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

RESOLUTION NO. 225-06 Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Romero, 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 May 9, 2006, in Room 120 from 9:00 to 10:00 a.m. and 12:30 to 2:15 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. 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 June 13, 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. 226-06 Re: **AN AMENDMENT TO THE AGENDA**

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

Resolved, That the Board of Education add Item 5.4.2 (Authorization of Superintendent's Actions Regarding Agreement with QUADS).

RESOLUTION NO. 227-06 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda, as amended, for May 9, 2006.

RESOLUTION NO. 228-06 Re: **SALUTE TO SCHOOL FOOD AND NUTRITION SERVICE PERSONNEL DAY**

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

WHEREAS, State Superintendent Nancy S. Grasmick has announced May 3, 2006, as the twenty-first annual Salute to School Food and Nutrition Service Personnel Day; and

WHEREAS, The school cafeteria and the service provided by its personnel to students, faculty, and other staff are integral parts of the operations of the Montgomery County Public Schools; and

WHEREAS, The more than 11 million meals that are served annually to Montgomery County school children under the National School Lunch and School Breakfast Programs are testimony of the valuable contribution made by school food and nutrition service personnel each year; and

WHEREAS, School food and nutrition service personnel deserve to be recognized for their dedication and continuing commitment to feeding and educating students and to offering

a variety of nutrition services to the community; now therefore be it

Resolved, That the Board of Education does hereby recognize selected representatives of food and nutrition service personnel in honor of the twenty-first annual Salute to School Food and Nutrition Service Personnel Day in the Montgomery County Public Schools.

**Re: MEETING WITH POTOMAC ELEMENTARY
SCHOOL COMMUNITY**

Mr. Michael Subin, member of the Montgomery County Council, reported what had transpired at last evening's meeting. He described the Potomac Elementary School PTA's reaction to the Kendale facility and its resolution that they wanted relief from overcrowding at the school at the earliest possible date. It was their sense that the whole issue was precipitated by their needs in 1999. The resolution had three parts – (1) opposed to the resolution to the Board because it did not offer relief to Potomac; (2) accepted a proposal if a replacement school was built for Seven Locks and Potomac would receive relief from overcrowding; and (3) study the feasibility of the facility's needs prior to the modernization.

Ms. Cox stated that the charge to the task force was to suggest solutions for the cluster. What alternatives were available for Bells Mill Elementary School? Mr. Subin replied that there was discussion, but it did not appear in the resolution. He thought the intention of the superintendent was to retain the Seven Locks site for educational/recreational use. The discussion mentioned that Seven Locks could be used as a holding school for Bells Mill, and theoretically this could work.

Mr. Abrams thanked Mr. Subin for summarizing the discussion at Potomac Elementary School. Last night, there was discussion and recognition that Bells Mill needs relief as well. Potomac was not minimizing the needs in the cluster, but suggesting alternatives. Mr. Subin said it was paramount in minds of Potomac parents that they get the relief that they were expecting in 1999. However, they were not opposed to accelerated relief for other schools in the cluster.

Mr. Abrams asked Mr. Subin that, if the Board sends the Council a Kendale recommendation that includes retaining Seven Locks for school purposes, would the Board be able to assure Bells Mill that it would be the first school to use Seven Locks as a holding school? Mr. Subin thought it worked on paper, but he was adamant about schools moving ahead in the queue.

Mr. Abrams stated that portables would be needed to increase the capacity for Bells Mill children. Mr. Subin agreed and said those portables must be thoroughly inspected.

Mr. Abrams noted that using this approach meant that the Grosvenor facility would need to be upgraded as a holding school. Mr. Subin agreed and said he hoped that would happen. He would work to assure that Grosvenor would meet acceptable standards.

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|-----|-------------------|-------------------------------|
| 7. | Karen Williams | Bells Mill Elementary School |
| 8. | Dionne Fine | Bells Mill Elementary School |
| 9. | Sandy Vogelgesang | Seven Locks Elementary School |
| 10. | Aki K. Singam | Seven Locks Elementary School |
| 11. | Fran Maane | Seven Locks Elementary School |
| 12. | Bert Klein | Seven Locks Elementary School |
| 13. | Allie Giles | Seven Locks Elementary School |
| 14. | Elizabeth Kaplan | Seven Locks Elementary School |

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that for the second year in a row, Newsweek magazine has ranked five Montgomery County public high schools – Richard Montgomery, Bethesda-Chevy Chase, Thomas Wootton, Winston Churchill, and Walter Johnson — in the top 100 high schools in the nation. That is more schools in the top 100 than any other school district in America. In addition, all 23 eligible MCPS high schools are included in the top 3 percent in the country. The rankings are derived from the number of Advanced Placement or International Baccalaureate exams taken by all students at a school divided by the number of graduating seniors.

Dr. Weast also reported that Edward Nolan, a math resource teacher at Albert Einstein High School, has won the 2005 Presidential Award for Excellence in Mathematics and Science Teaching. The Presidential Awards are the nation's highest honor for teachers of mathematics and science from kindergarten through grade 12.

In addition, Dr. Weast remarked that The George B. Thomas, Sr. Learning Academy, also known as the Saturday School, completed its 20th successful year last Saturday. Closing ceremonies to recognize the 3,400 program participants and 525 tutors were held at all 12 Saturday School Centers at MCPS high schools.

Finally, Dr. Weast reported that the National Teacher of the Year, Kimberly Oliver, was honored by her school community and local officials at a hometown celebration at Springbrook High School last week. Students from her home school, Broad Acres Elementary, wore T-shirts in her honor and serenaded her with a special song.

Mr. Johnson congratulated the newly elected student member of the Board of Education, Sarah Horvitz. He visited Howard County and advocated for partial voting rights for its student member.

Mrs. Navarro reported that she attended the celebration for Kimberly Oliver, National Teacher of the Year. She was pleased to see the students and their parents in attendance. Also, she and fellow Board members attended the MCCPTA Special Education Awards, and she was moved by the emotion of the awardees.

Mr. Abrams commented that he attended two events – a Best Buddies celebration at Damascus High School and the Autism Walk at the County Fairgrounds. At Damascus, the cafeteria was decked out with vendors and contributions from the community. At the fairgrounds, numerous teams represented individual students to fight for research dollars. Finally, if ratification on the MCPS education reforms is needed, the *Washington Post* had an article on the school system in Boston. The key to success is the same – longevity of the superintendent and consistency of a program and plan. There is a heavy focus on teacher and administrator development in the system, and systematic change after years of consistency.

Ms. Cox said the reception for Kimberly Oliver was truly a community event. Second, she was the keynote speaker at the George B. Thomas Learning Academy ceremony at Col. Zadok Magruder High School. There is tremendous support from staff and administrators in the cluster.

Mrs. O'Neill noted that she and Dr. Haughey attended the tea celebrating the volunteers for the Ruth Rales Comcast Reading Program. She attended the dedication of Lakelands Park Middle School and said the site is an example of collaboration with other government agencies. Also, she thought the MCCPTA Special Education Awards event was very touching.

Mr. Romero commented on the dedication of Lakelands Park Middle School and said it is a pleasure to work with the City of Gaithersburg. Also, he and Mrs. O'Neill attended the Hispanic Employees Association Scholarship Ceremony.

Ms. Ervin commented that she attended a meeting at the invitation of SEIU Local 500 at Sligo Middle School. This was a meeting mostly of cafeteria workers, and she planned to introduce a new business item based on what she learned at the meeting. Also, students at Eastern Middle School invited her to be the first person on their show, *Personal Profiles*.

Dr. Haughey stated that he spoke with Judge Cahoon who has held various offices in Montgomery County. He does not believe that the Inspector General has oversight of the Board of Education.

Mr. Abrams reiterated that the Inspector General has no more oversight of the Board of Education than he does over the Courts. MCPS is an educational institution with predicate expertise. The Inspector General's report has not been subjected to peer review by those with educational expertise.

**Re: MCPS EMPLOYEES' PENSION PLAN
IMPROVEMENTS**

Dr. Weast commented that the recently adopted improvement in benefits under the Maryland State Teachers and Employees Pension Systems addresses a long-standing

problem of insufficient retirement benefits for teachers and other employees in the state. However, state improvements will create inequity within MCPS unless similar improvements are made for employees who are not part of the state program. Equitable pension benefits for these employees have been maintained by MCPS for many years, providing a defined pension benefit program that mirrors the state's provisions. Therefore, given the improvement in the state program, as endorsed by the Maryland General Assembly and signed by the governor, similar improvements should be made by MCPS to ensure that all employees receive equitable pension benefits. In addition, the supplemental pension benefit to offset the higher cost of living in the county and to maintain a competitive advantage in recruiting and retaining teachers and other employees should be increased for all employees.

Re: **DISCUSSION**

Dr. Haughey recused himself from participation in the discussion and vote since his wife is minimally affected by the pension decision.

Mrs. O'Neill pointed out that this Board took a position to advocate in Annapolis for improvements to the Maryland State Teacher Pension and State Employees Program. The Maryland Association of Boards of Education was part of the coalition that actively advocated for that legislation. This resolution is about equity and people who do not qualify for the teacher pension, such as building service workers.

Mr. Abrams asked what the differences were between the school system and the county system. Dr. Weast replied that fire/police personnel get more, and the county employees get less than MCPS.

Mr. Abrams noted that the action the Board is about to take is comparable to actions taken at the county level. Dr. Weast's rationale is the same that the county used in increasing benefits for its employees. Furthermore, many MCPS employees are not covered by the state plan.

Mr. Romero asked about the mechanics to cover the \$13 million for the plan. Mr. Bowers explained that the balance at the end of the fiscal year would identify funds to pay for the benefit, but the Council would decide on the utilization of the funds.

Mrs. Navarro pointed out that the last *Whereas* stated that the cost of improvements in the MCPS plan will be amortized over 30 years and will require an additional \$13.2 million in FY 2007 and approximately \$10.5 million in FY 2008, and \$8 million in FY 2009. She asked if those funds will be included automatically in the budgets. Dr. Weast stated that it is an improvement, and there is a cost.

Ms. Cox commented that this was supported in the General Assembly, and it was included in the Board's Legislative Platform. Those not covered in the state's system deserve a

retirement benefit that is equal to other employees. It is the right thing to do since the Board values and respects the employees' contributions to MCPS students.

RESOLUTION NO. 230-06 Re: **MCPS EMPLOYEES' PENSION PLAN IMPROVEMENTS**

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

WHEREAS, The Board of Education approved the Montgomery County Public Schools (MCPS) Employees' Retirement System, effective July 1, 1968, for those employees who were not eligible to participate in the State Teachers' Retirement System; and

WHEREAS, The MCPS Employees' Retirement System in 1968 provided a local core benefit equal to the benefit provided by the state retirement benefit, which was 1.81 percent for each year of creditable service; and

WHEREAS, The Board of Education also approved in 1968 a supplemental benefit of 10 percent of the core benefit to all employees for a total 2.0 percent for each year of creditable service to attract and retain highly qualified employees; and

WHEREAS, In 1980, following action by the Maryland General Assembly to establish a new pension system for employees hired after July 1, 1980, the Board of Education approved a similar retirement benefit for MCPS employees not eligible to participate in the state program, and amended the local retirement benefit supplement for employees hired after July 1, 1980; and

WHEREAS, In 1998, when improvements were made to the Maryland State Teachers and Employees Pension Systems, the Board of Education amended the MCPS plan and implemented a similar formula used to calculate retirement benefits, implementing a "multiplier" of 1.4 percent for all creditable service after 1998 and setting the benefit for pre-1998 service to the greater of either the 1980 formula or a multiplier of 1.2 percent; and

WHEREAS, In 2006, the Maryland General Assembly approved House Bill 1737, which was signed by the governor on April 25, 2006, improving state pension benefits, increasing the 1.4 percent "multiplier" to 1.8 percent for all service after July 1, 1998; and

WHEREAS, The Board of Education desires to provide pension benefits that exceed the benefits offered by other Maryland school districts and seeks to be competitive with jurisdictions such as Fairfax County, Virginia, the states of Pennsylvania and West Virginia, and the District of Columbia, in order to attract and retain qualified teachers and other employees; and

WHEREAS, The Board of Education desires to provide the same pension benefit for all MCPS employees, including those who are not eligible to participate in the improved state system, which becomes effective on July 1, 2006; and

WHEREAS, The cost of improvements in the MCPS plan will be amortized over 30 years and will require an additional \$13.2 million in FY 2007 and approximately \$10.5 million in FY 2008, and \$8 million in FY 2009 and thereafter; now therefore be it

Resolved, That the Board of Education increase the core pension benefit from 1.4 percent to 1.8 percent for each year of creditable service after July 1, 1998, effective July 1, 2006, for those employees not eligible to participate in the Maryland State Teachers and Employees Pension Systems; and be it further

Resolved, That the Board of Education improve the supplemental benefit provided to all employees, effective July 1, 2006, retroactively for all creditable service after July 1, 1998, so that the combined result with the improved core benefit equals 2 percent of final average salary per year of service; and be it further

Resolved, That employees who receive their core benefit from the MCPS Employees' Pension Plan will contribute, for the improvement in the core benefit, 3 percent of their salary in FY 2007, 4 percent in FY 2008, and 5 percent in FY 2009; and all employees will contribute for the supplemental pension benefit 0.3 percent of their salary in FY 2007, 0.4 percent in FY 2008, and 0.5 percent in FY 2009 for a total contribution rate of 3.3 percent of salary in FY 2007, 4.4 percent in FY 2008, and 5.5 percent in FY 2009; and be it further

Resolved, That the Board of Education amend its FY 2007 Operating Budget Request by \$13.2 million to fund these pension benefit improvements; and be it further

Resolved, That this resolution be forwarded to the county executive and County Council.

RESOLUTION NO. 231-06 Re: **FY 2007 OPERATING BUDGET AMENDMENTS**

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

WHEREAS, The Board of Education adopted the FY 2007 Operating Budget Request of \$1,839,119,355 on February 14, 2006; and

WHEREAS, The county executive recommended full funding of the Board of Education's FY 2007 Operating Budget Request on March 15, 2006; and

WHEREAS, On April 18, 2006, the County Council adopted spending affordability guidelines (SAG), including an allocation for Montgomery County Public Schools (MCPS) of \$1,710,100,000, excluding grants and enterprise funds; and

WHEREAS, A non-recommended reduction of \$1,455,940 can be made in estimated lapse and turnover savings; and

WHEREAS, The Maryland State Department of Education (MSDE) notified MCPS of reduced state revenue for MCPS of \$39,298 compared to earlier estimates; and

WHEREAS, On April 3, 2006, MSDE notified MCPS of changes in the preliminary estimate of FY 2007 federal grant revenue for MCPS with a net reduction of \$547,376, compared with previous estimates, resulting from adoption by the U. S. Congress of FY 2006 appropriations for the United States Department of Education; and

WHEREAS, Additional federal funds of \$621,886 for Title I will increase the per pupil allocation for instructional programs at each of the 22 MCPS Title I schools; and

WHEREAS, Additional federal funds of \$358,175 for Title III (ESOL) will provide a coordinator position for parent outreach services and 2.8 bilingual therapeutic counselor positions to assist Chinese-, Amharic-, and Spanish-speaking ESOL students in addressing the social, cultural, and environmental factors that may present barriers to academic achievement; and

WHEREAS, A reduction in anticipated federal aid of \$1,383,907 under the Individuals with Disabilities Education Act (IDEA) requires local funding to maintain the recommended program for FY 2007; and

WHEREAS, Other changes in federal grant programs as indicated above, including Title II-A, Title II-D, Title V, and Vocational Education, are required based on changes in estimated federal funding; and

WHEREAS, The Board of Education recognizes federal law and regulations that restrict the use of federal grant funds to purposes required by law; and

WHEREAS, The county Cable Television Plan, as recommended by the county executive, provides an additional \$75,284 to enhance foreign language versioning for instructional television; and

WHEREAS, The Education Committee and Health and Human Services Committee of the County Council have requested that the Board of Education amend its FY 2007 Operating Budget Request to include \$103,309 to continue the existing Child Care Provider Training program in conjunction with the county Department of Health and Human Services; and

WHEREAS, A transfer of \$1,081,986 is required from Category 10 Operation of Plant and Equipment to Category 9 Student Transportation to reflect estimated savings for FY 2007 in natural gas costs and an increased need for diesel fuel; and

WHEREAS, An additional operating budget amendment is required because of changes in retirement provisions approved by the General Assembly; now therefore be it

Resolved, That a non-recommended reduction totaling \$1,455,940 in savings in estimated lapse and turnover can be made in various position accounts; and be it further

Resolved, That the FY 2007 Operating Budget Request be amended to reflect reduced federal revenue of \$547,376 and make the changes described above; and be it further

Resolved, That as a result of changes in state and federal aid, and other changes as described above, the Board of Education amend its FY 2007 Operating Budget Request by a total increase of \$775,479 in the following categories:

FY 2007 OPERATING BUDGET FOR MONTGOMERY COUNTY PUBLIC SCHOOLS
Board of Education recommended amendments to the FY 2007 MCPS Operating Budget

Category	BOE Adopted As of March 1	Amendment	Amended Budget Request
1 Administration	\$ 38,505,301	\$ 3,993	\$ 38,509,294
2 Mid-level Administration	118,023,575	35,000	118,058,575
3 Instructional Salaries	765,063,495	311,981	765,375,476
4 Textbooks and Instructional Supplies	35,853,014	69,820	35,922,834
5 Other Instructional Costs	18,933,727	(6,867)	18,926,860
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	1,081,986	79,777,880
10 Operation of Plant and Equipment	105,162,382	(1,081,986)	104,080,396
11 Maintenance of Plant	30,410,825		30,410,825
12 Fixed Charges	357,597,225	184,501	357,781,726
14 Community Services	208,495	101,767	310,262
37 Instructional Television Revenue	1,307,716	75,284	1,383,000
51 Real Estate Management 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
All Funds	\$ 1,839,119,355	\$ 775,479	\$ 1,839,894,834

and be it further

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

Re: **SEVEN LOCKS ELEMENTARY SCHOOL
RECOMMENDATION**

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

WHEREAS, On January 10, 2006, the Board of Education requested a special appropriation in the amount of \$3.3 million for the Seven Locks Elementary School replacement facility on Kendale Road (Kendale); and

WHEREAS, The Kendale project was intended to address capacity issues in the Winston Churchill Cluster by providing relief to overcrowding at Potomac Elementary School; and

WHEREAS, The Kendale project was approved for construction funding in May 2005 as part of the FY 2006 Capital Budget approved by the Montgomery County Council with the understanding that the Board would be requesting an increase of approximately 20 percent of the budgeted funds when the project was bid due to rapidly rising construction prices in national and local markets; and

WHEREAS, The Council has not taken action on the special appropriation request for the Kendale project due to community opposition and a report released by the Montgomery County Office of the Inspector General (OIG) that raised concerns about cost data used in the Kendale analysis and implied it was less costly to build a new school on the Seven Locks Elementary School site; and

WHEREAS, The Council president, the chair of the Council Education Committee, and the Board president agreed to sponsor a Council/Montgomery County Public Schools staff work group to evaluate the available options to address capacity and facility issues in the Winston Churchill Cluster and report its findings; and

WHEREAS, The work group released a final draft report on April 19, 2006, confirming the Kendale project was the least costly solution of the options evaluated, with the exception of an option that would balance enrollment in the Winston Churchill Cluster among four elementary schools and close the existing Seven Locks facility; and

WHEREAS, Not only does the Kendale project cost between \$963,000 and \$4,332,000 less to complete than the options to rebuild on the Seven Locks Elementary School site or to modernize the existing facility, it is the best option because it saves time and money and avoids traffic safety and other issues associated with building a larger school on the Seven Locks site; and

WHEREAS, On April 20, 2006, a recommendation was introduced that the Board reaffirm its support for the Kendale project with the modification that the core capacity planned be reduced to 640 and request that the Council approve the special appropriation to proceed with the project; and

WHEREAS, On April 20, 2006, the Board decided to add an alternative to the recommendation and consider Option 5b from the work group report; and

WHEREAS, A public hearing was held on May 1, 2006, on the Kendale project and Option 5b; and

WHEREAS, After hearing from the public on both options, it is recommended that the Board proceed with the Kendale option modified to reduce the core capacity to 640; now therefore be it

Resolved, That the Board of Education reaffirm its support to construct a replacement school for Seven Locks Elementary School on the Kendale Road site with the modification that the core capacity planned for the project be reduced to 640; and be it further

Resolved, That the Board of Education request that the County Council approve the January 10, 2006, special appropriation for the Kendale replacement facility modified to reduce the core capacity to 640; and be it further

Resolved, That the current Seven Locks Elementary School facility be retained for other educational purposes, either as a facility used for administrative services or as a holding facility once Seven Locks Elementary School moves to Kendale.

Re: **DISCUSSION**

Mr. Abrams needed clarification so that the Board would operate under the proper procedure. The resolution has been redrafted to address the Kendale facility and the retention of the Seven Locks site as a holding school. Under the Board's policy, is that a minor modification? Furthermore, it is not clear how the Bells Mill facility fits into this scenario. If there was an amendment to clarify the Board's intent, Mr. Abrams wanted to know if that was a minor modification in the context of the policy and process. Mr. Margolies, staff director, stated that the new draft resolution is basically the same recommendation prior to the hearing, i.e., build on Kendale with a capacity of a 640-student core with an added *resolve* to retain the current Seven Locks site. The Board voted in 2005 to retain the Seven Locks site. Therefore, the resolution has only minor modifications.

Mr. Abrams wanted to know if adding the Bells Mill facility to the resolution would be a minor modification. Mr. Margolies stated that if a new recommendation is offered that is at variance with either the alternative before the Board at the public hearing or has a

significant impact on the superintendent's recommendation, it would not be a minor modification and violates policy. The Board has the discretion to adopt minor modifications. If a motion is offered, the Board must decide on its impact on the recommendation.

Mr. Abrams was fearful that the present motion would preclude the Bells Mill facility from any discussion, and he was trying to discern what a minor modification encompassed.

Mr. Romero thought any Board member could offer an amendment, and the Board would decide if it was a minor amendment.

Mr. Abrams was uneasy because Dr. Weast was unclear about what Potomac Elementary School did the previous evening. Mr. Subin tried to explain what happened. Further, the Board had heard from the Bells Mill community, but there is nothing in the resolution giving them any assurances that they were heard. He could not support a resolution that did not spell out relief for Bells Mill. The difference between version one and two is that version one addresses the Bells Mill concern and indicates relief for that school. He agreed with the notion of waiting until a later date to decide on whether Bells Mill would use Kendale or a holding school. Mr. Hawes cautioned about an amendment to the Capital Improvements Program (CIP) by accelerating the modification of a school. He thought the Board could decide on the utilization of Kendale to provide relief of overcrowding in the cluster.

Mr. Abrams stated that the Potomac Elementary School PTA took an action last night that will be presented to the County Council. That action states their agreement, but with certain provisos. The way to deal with this issue is to be completely transparent and communicate the Board's intent in the transmittal of the resolution to the Council. It would be easy to say that Bells Mill will use Kendale as a holding school because it does not adjust the CIP. However, there appears there are two options for Bells Mills: (1) use Kendale for a holding school or (2) continue the same CIP to another holding school. However, he would only support a resolution that included a plan for Bells Mill. Furthermore, Mr. Abrams wanted the Board to address renovation of the two holding schools – Radnor and Grosvenor. Dr. Weast thought the school system was fair and honest, but at the same time sensitive. He thought if there was a school with enough capacity, the system could work with both communities about utilization. Mr. Hawes added that the County Council can fund an accelerated modernization without a hearing.

Mr. Romero asked for clarification on the Potomac PTA's resolution. It stated that the community would support a redistricting with Potomac and Seven Locks moving into Kendale in 2008. He asked if there was enough capacity at Kendale to accommodate this suggestion with the proposed 640 core. Ms. Cox pointed out that with redistricting there would only be 80 to 90 students from Potomac. Dr. Weast thought that with the replacement facility (Kendale) the Potomac community wants immediate relief with moving Seven Locks and Potomac. However, the system was contemplating moving Bells Mill into the facility first, based on health issues.

Mrs. O'Neill thought there was a consensus on the Board that (1) option 5B is not viable, and (2) the Seven Locks facility will not be surplus within the next six years. However, a distrust is fueling part of the dialogue. Mrs. O'Neill pointed out that there are 719 portables throughout the school system. Other schools have concerns about health issues and portables. In the beginning, the Churchill Cluster had Potomac, which was the most overcrowded with indoor air quality issues. Furthermore, Radnor desperately needs renovation and, no doubt, all holding schools need repair. Many PTAs are watching what the Board does in relation to Bells Mill. If the Board is committed to building on Kendale because it believes there is a need to build capacity in the Churchill Cluster that is what the Board should do. Furthermore, she supported the resolution to retain Seven Locks since the Board has had to reclaim closed schools. She believed there is a safety concern at the intersection of Bradley and Seven Locks, and the replacement facility at Kendale would resolve that issue.

Ms. Ervin said she agreed with Mrs. O'Neill's remarks. During the hearing process, she paid attention to each item that was brought before the Board. She learned that the Seven Locks community wanted to keep their school on the same site. However, there are other schools that have sick buildings and sick portables. There is money in the budget for new portables, and the school system will address the issue in a serious manner.

Mrs. Navarro reported that she met with staff to get clarification, and then she drove to Seven Locks and Kendale. She was concerned about health issues and was sensitive about schools "jumping" the queue. She was not convinced that the resolution before the Board was a satisfactory compromise. After listening to the community, she thought that the system could have worked harder to address most of the concerns.

Ms. Cox noted that there was much mention of the "queue." She thought that there were different definitions, such as the sequence for the holding schools, modernization, and timeline. For clarification, now she was hearing about flexibility to accelerate modernization of Bells Mill. Would Bells Mill be moving ahead of any other school in the queue? Mr. Hawes replied that Bells Mill would move ahead of Cresthaven, but they would not displace a school because there is a holding school available.

Ms. Cox stated that she had found the Bells Mill testimony regarding health issues to be compelling. Is the school system under the same circumstances with portables? Mr. Hawes stated that he had researched air quality complaints, and there are not a lot of complaints on record. All portable classrooms will be assessed this summer. Bells Mill is 50 percent over capacity, and it is a site utilization problem.

Ms. Cox thought she had heard that the Council could reprogram the funds for the Bells Mill modernization. Mr. Hawes agreed.

Ms. Cox heard that Potomac's testimony was based on its long-term interest, and Bells Mill was concerned about health issues, especially with over utilization of the school. Seven

Locks wanted the school to remain on the site. She was convinced that the replacement school was the best option. The testimony has changed over time as the school community changes.

Re: **AN AMENDMENT TO THE SEVEN LOCKS
ELEMENTARY SCHOOL RECOMMENDATION**

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

Resolved, That the Board of Education add a *Whereas* as follows:

WHEREAS, Bells Mill Elementary School is currently the most heavily impacted school in the cluster in terms of utilization and health issues with the lowest FACT score, placing it at the top of the modernization queue for the cluster's elementary schools, and can be provided relief as soon as possible if the County Council accelerates its modernization by one year.

RESOLUTION NO. 232(a) Re: **AN AMENDMENT TO THE SEVEN LOCKS
ELEMENTARY SCHOOL RECOMMENDATION**

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

Resolved, That the Board of Education add a *Whereas* as follows:

WHEREAS, Potomac Elementary School has overcrowding and internal building deficits and must be included in the Churchill Cluster solution.

RESOLUTION NO. 232(b) Re: **AN AMENDMENT TO THE SEVEN LOCKS
ELEMENTARY SCHOOL RECOMMENDATION**

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

Resolved, That the Board of Education add two *Whereas* as follows:

WHEREAS, Bells Mill Elementary School is currently the most heavily impacted school in the cluster in terms of utilization and health issues with the lowest FACT score, placing it at the top of the modernization queue for

the cluster's elementary schools, and can be provided relief as soon as possible if the County Council accelerates its modernization by one year; and

WHEREAS, Potomac Elementary School has overcrowding and internal building deficits and must be included in the Churchill Cluster solution.

RESOLUTION NO. 233-06 Re: **SEVEN LOCKS ELEMENTARY SCHOOL
RECOMMENDATION**

On recommendation of the Superintendent and on motion of Mr. Romero 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, On January 10, 2006, the Board of Education requested a special appropriation in the amount of \$3.3 million for the Seven Locks Elementary School replacement facility on Kendale Road (Kendale); and

WHEREAS, The Kendale project was intended to address capacity issues in the Winston Churchill Cluster by providing relief to overcrowding at Potomac Elementary School; and

WHEREAS, The Kendale project was approved for construction funding in May 2005 as part of the FY 2006 Capital Budget approved by the Montgomery County Council with the understanding that the Board would be requesting an increase of approximately 20 percent of the budgeted funds when the project was bid due to rapidly rising construction prices in national and local markets; and

WHEREAS, The Council has not taken action on the special appropriation request for the Kendale project due to community opposition and a report released by the Montgomery County Office of the Inspector General (OIG) that raised concerns about cost data used in the Kendale analysis and implied it was less costly to build a new school on the Seven Locks Elementary School site; and

WHEREAS, The Council president, the chair of the Council Education Committee, and the Board president agreed to sponsor a Council/Montgomery County Public Schools staff work group to evaluate the available options to address capacity and facility issues in the Winston Churchill Cluster and report its findings; and

WHEREAS, The work group released a final draft report on April 19, 2006, confirming the Kendale project was the least costly solution of the options evaluated, with the exception of an option that would balance enrollment in the Winston Churchill Cluster among four elementary schools and close the existing Seven Locks facility; and

WHEREAS, Not only does the Kendale project cost between \$963,000 and \$4,332,000 less to complete than the options to rebuild on the Seven Locks Elementary School site or to modernize the existing facility, it is the best option because it saves time and money and avoids traffic safety and other issues associated with building a larger school on the Seven Locks site; and

WHEREAS, On April 20, 2006, a recommendation was introduced that the Board reaffirm its support for the Kendale project with the modification that the core capacity planned be reduced to 640 and request that the Council approve the special appropriation to proceed with the project; and

WHEREAS, On April 20, 2006, the Board decided to add an alternative to the recommendation and consider Option 5b from the work group report; and

WHEREAS, A public hearing was held on May 1, 2006, on the Kendale project and Option 5b; and

WHEREAS, After hearing from the public on both options, it is recommended that the Board proceed with the Kendale option modified to reduce the core capacity to 640; and

WHEREAS, Bells Mill Elementary School is currently the most heavily impacted school in the cluster in terms of utilization and health issues with the lowest FACT score, placing it at the top of the modernization queue for the cluster's elementary schools, and can be provided relief as soon as possible if the County Council accelerates its modernization by one year; and

WHEREAS, Potomac Elementary School has overcrowding and internal building deficits and must be included in the Churchill Cluster solution; now therefore be it

Resolved, That the Board of Education reaffirm its support to construct a replacement school for Seven Locks Elementary School on the Kendale Road site with the modification that the core capacity planned for the project be reduced to 640; and be it further

Resolved, That the Board of Education request that the County Council approve the January 10, 2006, special appropriation for the Kendale replacement facility modified to reduce the core capacity to 640; and be it further

Resolved, That the current Seven Locks Elementary School facility be retained for other educational purposes, either as a facility used for administrative services or as a holding facility once Seven Locks Elementary School moves to Kendale.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 2:00 to 2:50 p.m.

Mr. Abrams and Mr. Johnson temporarily left the meeting.

RESOLUTION NO. 234-06 Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Ms. Ervin, 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. 9129.2, Soft Pretzels, be rejected due to lack of competition; and

WHEREAS, It is recommended that Bid No. 9384.2, Renovated Elevators at Wheaton High School and Col. E. Brooke Lee Middle School, be rejected due to lack of competition; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of an enterprise switch for the Office of Information and Organizational Systems through the University of Maryland Bid No. USMSC99-12; and

WHEREAS, The acquisition of an enterprise switch for the Office of Information and Organizational Systems through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That Bid No. 9129.2, Soft Pretzels, be rejected due to lack of competition; and be it further

Resolved, That Bid No. 9384.2, Renovated Elevators at Wheaton High School and Col. E. Brooke Lee Middle School, be rejected due to lack of competition; and be it further

Resolved, That an enterprise switch for the Office of Information and Organizational Systems in the amount of \$150,000 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 specifications as shown below:

001P 5900 214	Rubber Tire Hydraulic Excavator <u>Awardee</u> Elliott and Frantz, Inc.	\$ 240,000
0480 6B3	Bleacher Inspection, Maintenance, and Repair <u>Awardees</u> (See note) Modern Door and Equipment Sales, Inc. R. J. McCarville Associates, Ltd. T. J. Distributors, Inc. Total	\$ 50,000
04-T-5	Anti-freeze—Extension <u>Awardee</u> B-Environmental, Inc.	\$ 30,000
4507 0000 76CC	Off-the-lot, New Vehicles <u>Awardee</u> Criswell Chevrolet, Inc.	\$ 293,836
05-030	Preventive Maintenance and Repair of Emergency Generators—Extension <u>Awardee</u> Johnson and Towers, Inc.	\$ 100,000
USMSC 99-12	Maryland Educational Enterprise Consortium <u>Awardee</u> Dell Marketing, L.P.	\$ 150,000
1085.2	Third Party Billing—Extension <u>Awardee</u> Dawkins Management, Inc.*	\$ 150,000
4025.3	Paint and Paint Sundries—Extension <u>Awardees</u> Duron, Inc. McCormick Paint Works Company Pittsburgh Paints	\$ 55,967 51,781 <u>1,678</u>

	Total	\$ 109,426
4119.3	Science Lab Tables	
	<u>Awardee</u> Diversified Educational System	\$ 34,400
7147.1	Purchase of New Tires—Extension	
	<u>Awardee</u> Service Tire Truck Center	\$ 235,394
9050.5	Athletic Cheerleader and Pom Pon Uniforms	
	<u>Awardees</u> (See note) Athletic House of Maryland Cisco, Inc. Marlow Sports, Inc.* Maryland Apparel Graphics* Maryland Athletic and Corporate Supply Team Distributors Varsity Spirit Fashions Total	\$ 120,000
9058.7	Developmental Activities Supplies and Equipment	
	<u>Awardees</u> Cannon Sports, Inc.* Gopher Sport Passon's Sports Pyramid School Products S & S Worldwide Sportime, LLC Sports Stop, Inc. Total	\$ 7,636 410 18,757 4,813 1,254 21,966 <u>2,429</u> \$ 57,265
9062.7	Fitness and Team Handball Supplies and Equipment	
	<u>Awardees</u> Cannon Sports, Inc.* Gopher Sport Passon's Sports S & S Worldwide Sportmaster	\$ 2,151 1,488 11,782 1,202 13,375

	Sports Stop, Inc.	<u>19,770</u>
	Total	\$ 49,768
9064.7	Lacrosse Supplies and Equipment	
	<u>Awardees</u>	
	Aluminum Athletic Equipment Company	\$ 2,048
	Bill Fritz Sports Corporation	1,699
	Georgi Sports*	4,817
	Longstreth Sporting Goods*	2,727
	Passon's Sports	9,648
	Sports Stop, Inc.	<u>32,399</u>
	Total	\$ 53,338
9102.8	Groceries and Staples	
	<u>Awardees</u>	
	Dori Foods, Inc.	\$ 325,114
	Eastern Food Services, Inc.*	163,615
	Feesers, Inc.	36,615
	Interstate Gourmet Coffee Roasters, Inc.	21,806
	Poppy Street Food Products*	14,414
	Premier Food Service Corporation	14,579
	Sysco Food Services	52,459
	The Great Gourmet	24,612
	Utz Quality Foods, Inc.	<u>450</u>
	Total	\$ 653,664
9105.6	Corrugated Boxes	
	<u>Awardee</u>	
	Cantwell-Cleary Company, Inc.	\$ 27,828
9193.3	Gymnasium Wood Flooring/Sanding/Refinishing at various locations**	
	<u>Awardee</u>	
	Weyer's Floor Service, Inc.	\$ 58,000
9301.2	Installation of Carpeting, Resilient Flooring and Air Conditioning—Extension**	
	<u>Awardee</u>	
	Interiors Unlimited, Inc.*	\$ 857,055

9339.2	Hot Mix Asphalt Replacement—Extension**	
	<u>Awardee</u>	
	Craig Paving, Inc.	\$ 619,398
9344.3	Portable Classroom Re-roofing at various locations**	
	<u>Awardee</u>	
	Interstate Corporation*	\$ 75,000
9403.1	Water Treatment Chemicals—Extension**	
	<u>Awardees</u>	
	Harrington Industrial Plastics, Inc.	\$ 30,000
	Superior Water Services, Inc.	<u>56,000</u>
	Total	\$ 86,000
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$4,050,372

* 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. 235-06 Re: **AWARD OF CONTRACT – WALTER JOHNSON HIGH SCHOOL**

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

WHEREAS, Staff has recommended that the auditorium renovation phase of the Walter Johnson High School project be completed using a construction management delivery system due to the project's complexities and phasing of the construction work; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified Henley Construction Company, Inc., as the most qualified firm to provide the necessary management services; and

WHEREAS, The following low bids were received on April 18, 2006, for the specified trades for the Walter Johnson High School auditorium renovation: