

APPROVED  
30-2010

Rockville, Maryland  
October 25, 2010

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, Rockville, Maryland, on October 25, 2010, at 6:15 p.m.

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

Absent: Dr. Jerry Weast

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

RESOLUTION NO. 496-10 Re: **RESOLUTION FOR CLOSED SESSION**

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

WHEREAS, The Board of Education of Montgomery County is authorized by the *State Government Article* of the *Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a closed session on October 25, 2010, in Room 120 from 5:30 to 6:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Sexual Harassment Quarterly Report, as permitted under Section 10-508(a)(1) of the *State Government Article* with a subsequent vote in open session; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on October 25, 2010, to acquit its administrative functions and receive legal advice as it adjudicates and reviews appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-508(a) of the *State Government Article*; and be it further

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

Re: **PLEDGE OF ALLEGIANCE**

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

RESOLUTION NO. 497-10 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve an amended agenda to include Item 3A, Sale of the Former Robert E. Peary High School Site.

RESOLUTION NO. 498-10 Re: **SUPERINTENDENT'S ANNUAL MARK MANN EXCELLENCE AND HARMONY AWARD**

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

WHEREAS, The Superintendent's Annual Mark Mann Excellence and Harmony Award was established in 1991 to honor the highest qualities and most significant accomplishments of the late Dr. Mark Mann, former principal of Parkland Junior High School; and

WHEREAS, The award is presented annually to a Montgomery County Public Schools administrator who has shown exceptional performance in promoting academic excellence, positive human relations, and community outreach; and

WHEREAS, Dr. Debra S. Munk, principal of Rockville High School, was chosen as the recipient of the 2010 Mark Mann Excellence and Harmony Award for her dedication to providing a challenging academic program for every student; and

WHEREAS, During her tenure at Rockville High School, Dr. Munk has greatly improved the academic standard by taking a proactive role to close the achievement gap, resulting in a 70 percent increase in African American and Hispanic students passing the High School Assessments; now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools congratulate Dr. Munk on her accomplishments and on receiving the Mark Mann Excellence and Harmony Award.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Xie reported that he will attend the MCJC/MS SGA general assembly this week at Eastern Middle School. On November 3, he will attend the MCR SGA general assembly at Montgomery Blair High School. He will report on both meetings at the next Board meeting.

Mr. Durso commended staff for their fine work for scheduling and introducing the Board and citizens to the Community Roundtable on October 13. The participants enjoyed the experience and were eager to share their ideas. It was a good experience for all who participated.

Ms. Berthiaume echoed Mr. Durso's comments about the Community Roundtable. It was a positive experience, and she looked forward to October 28. With the conversation about facilities, she and the mayor and the council of the City of Rockville will tour schools on Wednesday to assess the capacity issues.

Dr. Docca commented on the following events that she attended Class Act arts program at Montgomery College in Silver Spring; Rocky Hill Middle School's arts department; and the Human Rights of Montgomery County with awards to Ms. Valdez and Mr. Hailstock.

Ms. Brandman encouraged people to attend the next Community Roundtable. She reported that she was with Dr. Docca and Mr. Kauffman at the NAACP's Annual Parent Meeting which encouraged school-based advocates.

Mr. Barclay commented on the Broad Foundation's prize. MCPS was one of five finalists, and he was proud of MCPS' accomplishments in being considered for the award of \$250,000 for student scholarships. Ms. O'Neill commented that the scholarships are awarded by an online application process administrated by the Broad Foundation. Mr. Barclay further commented on the Community Roundtable and the Distinguished Services Awards.

Mrs. O'Neill stated that last week was exciting, with the Broad awards and Baldrige examiners at MCPS evaluating MCPS for the Malcolm Baldrige National Quality Award. She also looked forward to the second Community Roundtable on October 28 at Wheaton High School.

Mr. Bowers commented on the Broad Prize for Urban Education, the Malcolm Baldrige National Quality Award, teacher awards to Mrs. Neubold and Ms. Jenkins, and the MCPS Cares Employees' Charity Campaign.

Re: **PUBLIC COMMENTS**

The following person made comments before the Board of Education:

<u>Person</u>	<u>Topic</u>
Daniel Arias	MCR Activities

Re: **SALE OF THE FORMER ROBERT E. PEARY  
HIGH SCHOOL SITE**

The purpose of this discussion was that the Melvin J. Berman Hebrew Academy (Berman Academy) has decided to exercise its contractual purchase option for the former Robert E.

Peary High School site. Staff in County Executive Isiah Leggett's office has concluded negotiations with representatives of the Berman Academy for the sale of the property and conveyed the documentation for the sale to the County Council. Under the lease agreement that was signed in 1996, the Berman Academy has the right to purchase the property at any time during the lease, subject to the approval of the County Executive, County Council, and the Board of Public Works.

In 2005, when the issue of the sale of the property was being addressed by the County Council, the Board of Education took a position opposing the sale of the property because of concerns that the property might be needed sometime in the future for a Montgomery County Public Schools site. The Board was concerned that there are a limited number of potential school sites in the developed areas of the county, and that although there was no specific foreseeable need for the property as a school site in 2005, there could be a need in the future based on growth in the student population in this area of the county.

The lease agreement that was approved in March 1996 was for 25 years, after a two-year renovation period, until 2023, with three five-year extensions. The county could get the site back if it was needed for educational purposes with a five-year notice after the conclusion of the 25 year lease, or not before 2028. As indicated, the Berman Academy has the right to purchase the property at any time during the lease agreement.

Mrs. Patricia B. O'Neill, president, Montgomery County Board of Education, requested that staff prepare a letter from her to the president of the County Council conveying opposition to the sale of the property.

Re: **DISCUSSION**

Mrs. O'Neill reported that she was contacted by an individual in the county who pointed out that on the County Council's agenda for October 26, 2010, is the sale of the school site. Five years ago the Board of Education took a position in opposition to the sale and the school site. She wanted to send a letter to the County Council with the Board's concurrence expressing the Board's concern over this sale. Ironically, this item came quickly after the Board's presentation on demographics and the long-term enrollment projections of growth of over 10,000 students. It is foolish and unwise for the county to close doors on the possibility of reclaiming school sites. This is a large parcels of land in urban areas where there are no other empty parcels suitable for school sites.

Ms. Berthiaume noted that the Board is very concerned about countywide school sites, especially in the Richard Montgomery Cluster. She asked staff about land availability and the cost of a 20-acre school site. Staff replied that the Peary school site is very valuable since it is located in the downcounty area. The sale of this property is undervalued compared to finding and buying a similar site.

Mr. Barclay understood that the price of the school site is less than \$2 million for 19.5 acres in Montgomery County. Staff added that this was a term negotiated at the time that the Academy signed the agreement several years ago. Mr. Barclay thought that this was a

sweet deal; however, the fact is that the Board can express concern but the Board has no right to the land. The next time the Board could reclaim the land would be 2023 for use in 2028; however, there is no reason to believe the school system will not need the site in that area. Staff commented that all schools within the Rockville Cluster are at or above capacity and overutilized. Mr. Barclay stated that the school system should not give up any sites in the near future based on projected enrollment.

Mrs. O'Neill pointed out that previous Boards had closed nearly 65 schools and many of those sites have been razed or sold for other purposes. The school system will be struggling to find suitable sites in the downcounty area. There is a need to speak for the school system and future students.

Ms. Berthiaume noted that as the City of Rockville, the Planning Board, and County Council look at smart growth, the school system will be expected to provide schools for those students. The Council is releasing land when planning a massive development. They should be looking ahead and coordinating development with infrastructure.

RESOLUTION NO. 499-10      Re:    **SALE OF THE FORMER ROBERT E. PEARY HIGH SCHOOL SITE**

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

Resolved, That the Board of Education authorize Mrs. Patricia B. O'Neill, president, Montgomery County Board of Education, to send a letter to the president of the County Council conveying opposition to the sale of the former Robert E. Peary High School Site.

RESOLUTION NO. 500-10      Re:    **ARCHITECTURAL APPOINTMENT – BEALL ELEMENTARY SCHOOL CAPACITY STUDY**

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

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

WHEREAS, Funds for conducting capacity studies were programmed as part of the Fiscal Year 2011 Capital Budget; and

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

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has negotiated a fee for the necessary architectural services that includes a Maryland Department of Transportation-certified minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of BeeryRio Architecture + Interiors to provide capacity study services for the Beall Elementary School addition project for a fee of \$30,000.

RESOLUTION NO. 501-10      Re:    **ARCHITECTURAL APPOINTMENT –  
BANNOCKBURN ELEMENTARY SCHOOL  
CAPACITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to perform a capacity study for a Bannockburn Elementary School addition project; and

WHEREAS, Funds for conducting capacity studies were programmed as part of the Fiscal Year 2011 Capital Budget; and

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

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has negotiated a fee for the necessary architectural services that includes a Maryland Department of Transportation-certified minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Walton, Madden, Cooper, Robinson, Poness, Inc. to provide capacity study services for the Bannockburn Elementary School addition project for a fee of \$30,000.

RESOLUTION NO. 502-10      Re:    **PRECONSTRUCTION/CONSTRUCTION  
MANAGEMENT SERVICES – BRADLEY  
HILLS ELEMENTARY SCHOOL ADDITION**

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

WHEREAS, The Fiscal Year 2011–2016 Capital Improvements Program includes planning funds for the addition to Bradley Hills Elementary School; and

WHEREAS, The design phase of this project is commencing, with construction scheduled to begin in January 2012 and to be completed by August 2013; and

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has recommended that this project be completed using a construction management delivery system due to the project's complexities and the scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Oak Contracting, LLC as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with Oak Contracting, LLC to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the addition to Bradley Hills Elementary School for a fee of \$60,000.

RESOLUTION NO. 503-10      Re:    **PRECONSTRUCTION/CONSTRUCTION  
MANAGEMENT SERVICES – VIERS MILL  
ELEMENTARY SCHOOL ADDITION**

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

WHEREAS, The Fiscal Year 2011–2016 Capital Improvements Program includes planning funds for the addition to Viers Mill Elementary School; and

WHEREAS, The design phase of this project is commencing, with construction scheduled to begin in January 2012 and to be completed by August 2013; and

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has recommended that this project be completed using a construction management delivery system due to the project's complexities and the scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Henley Construction Company, Inc. as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with Henley Construction Company, Inc. to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the addition to Viers Mill Elementary School for a fee of \$60,000.

RESOLUTION NO. 504-10

Re: **RECOMMENDED FISCAL YEAR 2011  
SUPPLEMENTAL APPROPRIATION FOR  
THE READINESS AND EMERGENCY  
MANAGEMENT FOR SCHOOLS PROJECT**

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

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, a Fiscal Year 2011 supplemental appropriation of \$599,722 for the Readiness and Emergency Management for Schools Grant Program from the United States Department of Education in the following categories:



<u>Category</u>	<u>Amount</u>
1 Administration	\$ 20,672
10 Operation of Plant and Equipment	565,490
12 Fixed Charges	<u>13,560</u>
Total	<u><u>\$599,722</u></u>

and be it further

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

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council.

RESOLUTION NO. 505-10      Re:    **CONTRACTS OF \$25,000 OR MORE**

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

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

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

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

PCR-2 65-07	Heating Oil	
	<u>Awardee</u> Isobunkers, LLC	\$160,200
7205.1	Interactive White Board Services	
	<u>Awardee</u> Data Networks	\$125,000
7209.1	Promethean Board Projector Maintenance	
	<u>Awardee</u> Clinton Learning Solutions	\$ 30,000

RESOLUTION NO. 506-10      Re:    **CONTRACTS OF \$25,000 OR MORE**

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

7210.1      Promethean Board Activeboard+2 Upgrade Kits

Awardee

Clinton Learning Solutions      \$ 98,606

TOTAL PROCUREMENT CONTRACTS OVER \$25,000      \$413,806  
(both resolutions)

RESOLUTION NO. 507-10      Re:    **AMENDMENT TO THE MCPS EMPLOYEES' RETIREMENT AND PENSION SYSTEMS**

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

WHEREAS, Article III, Section 6.1 of the Montgomery County Public Schools Employees' Retirement and Pension Systems provides that, upon recommendation of the superintendent of schools, the Board of Education may amend the Montgomery County Public Schools Employees' Retirement and Pension Systems at any time; and

WHEREAS, Members of the Montgomery County Public Schools Core and Supplemental Retirement Plan who have 36 or more years of service in the Retirement Plan continue contributions to the Core and Supplemental Retirement Plan, which burdens members without additional benefit; and

WHEREAS, The superintendent of schools recommends Montgomery County Public Schools Employees' Retirement and Pension Systems be changed so contribution deductions to the Montgomery County Public Schools Core and Supplemental Retirement Plans cease once the member reaches 36 years of credited service in the Retirement Plan; and

WHEREAS, The Montgomery County Public Schools Employees' Retirement and Pension Systems needs to be changed to comply with the requirements of the provisions of the *Pension Protection Act of 2006* and the *Heroes Earnings and Assistance Relief Tax Act of 2008*; and

WHEREAS, The Board of Education wishes to amend the Montgomery County Public Schools Employees' Retirement and Pension Systems; now therefore be it

Resolved, That the Board of Education adopts Amendment No. 3 to the Montgomery County Public Schools Employees' Retirement and Pension Systems substantially in the attached form hereto, effective for ceasing Retirement Plan members' contributions upon attaining 36 years of credited service made under the Montgomery County Public Schools Employees' Retirement and Pension Systems, after the date hereof and authorizes the appropriate individuals to execute such documents as may be necessary to effect this resolution; and be it further

Resolved, That the Board of Education adopts Amendment No. 3 to the Montgomery County Public Schools Employees' Retirement and Pension Systems substantially in the attached form hereto, effective for meeting the provisions of the *Pension Protection Act of 2006* and the *Heroes Earnings and Assistance Relief Tax Act of 2008*, after the date hereof and authorizes the appropriate individuals to execute such documents as may be necessary or advisable to effect this resolution.

**AMENDMENT NO. 3  
TO THE  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
EMPLOYEES' RETIREMENT AND PENSION SYSTEMS**

The Montgomery County Public Schools Employees' Retirement and Pension Systems (the "Plan") is amended as set forth below, pursuant to proper authorization of the Board of Education of Montgomery County, Maryland (the "Board").

**W I T N E S S E T H:**

**WHEREAS**, the Board desires to amend the Plan to limit the Members' required contributions to 36 years, and to update the Plan to reflect the Pension Protection Act of 2006 and the Heroes Earnings and Assistance Relief Tax Act of 2008.

**NOW, THEREFORE**, the Plan is hereby amended as follows, effective as of the dates provided herein:

1. Section 5.1, Percentage of Member Contributions, in Article I, is amended to add a new last sentence as follows, effective January 1, 2011:

Notwithstanding anything herein to the contrary, a Member's contributions shall cease upon the Member's attainment of 36 years of Credited Future Service during which the Member made contributions.

2. Section 4.4, Direct Rollover Elections, and Section 4.4A, Direct Rollovers of Plan Distributions, in Article III, are combined and updated to read as follows, generally effective January 1, 2007, unless otherwise provided therein:

**4.4 Direct Rollover Elections.**

(a) In General. This Section 4.4 is intended to comply with Code section 401(a)(31) and will be so administered and construed. Notwithstanding any provision of the Plan to the contrary, a Distributee may elect, at the time and in the manner prescribed by the Superintendent of Schools, to have any portion of an Eligible Rollover Distribution paid in a Direct Rollover to an Eligible Retirement Plan specified by the Distributee. The amount of such Direct Rollover must be at least five hundred dollars (\$500) or, if less, the entire Eligible Rollover Distribution. No Direct Rollover election may be made if the Distributee's Eligible Rollover Distributions during a year are reasonably expected to total less than two hundred dollars (\$200). A Distributee's election to make or not to make a Direct Rollover with respect to one payment in a series of periodic payments will be deemed to apply to all subsequent payments, unless the Distributee changes such election in writing.

(b) Definitions. The following definitions apply to this Section 4.4:

(1) "Direct Rollover" means a payment by the Plan to the Eligible Retirement Plan specified by the Distributee.

(2) "Distributee" means a Member, the Member's surviving spouse or the Member's spouse or former spouse who is an alternate payee under a qualified domestic relations order, as defined in Code section 414(p).

(3) "Eligible Retirement Plan" means an individual retirement account described in Code section 408(a), an individual retirement annuity described in Code section 408(b), an annuity plan described in Code section 403(a), an annuity contract described in Code section 403(b), or a qualified trust described in Code section 401(a), in each case, that accepts the Distributee's Eligible Rollover Distribution, or an eligible plan under Code section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this Plan.

(4) "Eligible Rollover Distribution" means any distribution of all or any portion of the balance to the credit of the Distributee, excluding distributions that are one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's designated beneficiary or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code section 401(a)(9); the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any other type of distribution described in Code section 402(c)(4) as being excluded from the

definition of "eligible rollover distribution." A portion of a distribution shall not fail to be an "eligible rollover distribution" merely because the portion consists of after-tax employee contributions which are not includible in gross income; however, such portion may be paid only to an individual retirement account or annuity described in Code section 408(a) or (b), or to a qualified plan described in Code section 401(a), 403(a), or 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

(c) Additional Rollover Options. Effective for distributions made on or after January 1, 2008, qualified rollover contributions from this Plan to a Roth IRA may be made in accordance with the requirements of Code section 408A(e). Effective July 1, 2010, a non-spouse beneficiary of a deceased Member may make a direct trustee-to-trustee transfer to an individual retirement account described in Code section 408(a) or an individual retirement annuity described in Code section 408(b), and such transfer shall be treated as an Eligible Rollover Distribution, provided that the requirements of Code section 402(c)(11) are met.

3. Section 10.2, in Article III, is amended and restated to read as follows:

**10.2 Special Rules Relating to Veterans' Reemployment Rights and Military Service.**

Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credits with respect to qualified military service will be provided in accordance with the mandatory provisions of Code section 414(u). In addition, effective January 1, 2007, if a Member dies while performing qualified military service (as defined in Code section 414(u)), the Member's survivors are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Plan had the Member resumed and then terminated employment on account of death.

**IN WITNESS WHEREOF**, the Board has duly caused this Amendment No. 3 to be executed, effective as of the effective date provided above.

**WITNESS/ATTEST:**

**BOARD OF EDUCATION OF  
MONTGOMERY COUNTY, MARYLAND**

\_\_\_\_\_

By: \_\_\_\_\_(SEAL)

President

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

By: \_\_\_\_\_

Secretary

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Re: **UPDATE ON STUDENT INSTRUCTIONAL PROGRAM PLANNING AND IMPLEMENTATION**

Mr. Bowers invited the following people to the table: Mr. Erick J. Lang, associate superintendent, Office of Curriculum and Instructional Programs; Mr. Martin M. Creel, director, Department of Enriched and Innovative Programs; Mr. David T. Chia, principal, Rock Creek Forest Elementary School; Mrs. Karen L. Johnson, principal, Twinbrook Elementary School; and Dr. Monique T. Felder, director, Division of Accelerated and Enriched Instruction.

Central to the major goals of achieving equity and excellence for every student, identified in *Our Call to Action: Pursuit of Excellence*, is ensuring that each student receives the most challenging and appropriate instruction. This update provided information on the development of a systemwide process designed to reveal and address issues of equity and ensure that all students have access to challenging curriculum and instruction while providing parents with timely communication about their child’s instructional program. This process, Student Instructional Program Planning and Implementation (SIPPI), supports the system goal of equitable preparation and access to a rigorous instructional program for every child.

The SIPPI pilot supported educators in some of their most vital decisions and provided them with an important new process and tool to improve how students are recommended for advanced instruction. In addition, it shows great promise as a monitoring tool to see that students are receiving the appropriate services. The development of SIPPI is not unlike other instruments MCPS has developed, such as the Honors/Advanced Placement Identification Tool (HAPIT), that have proven to be of great support in instructional decision making. As with the early implementation of HAPIT, the pilot year resolved many technical implementation issues. The pilot year also confirmed early beliefs that in order for SIPPI to be successful, it must be part of systemic reform efforts to raise expectations for every child and provide a high level of instruction in every classroom.

In 2009–10, the Office of Curriculum and Instructional Programs (OCIP), the Office of the

Chief Technology Officer (OCTO), the Office of Shared Accountability (OSA), and the Office of School Performance (OSP) collaborated to pilot the SIPPI process in 31 elementary schools. Meetings were held throughout the year with the principals of the pilot schools, and representatives from the central office were charged with leading the effort on the SIPPI project. Information and ideas exchanged at each meeting resulted in the SIPPI process outlined below.

The purpose of SIPPI is to—

- match students' strengths and areas of need with instruction and programs;
- recognize those students whose performance, motivation, or potential ability indicates the need for accelerated and enriched instruction;
- recognize students who need specialized instructional support;
- communicate the recommendations of a team of professionals to families and the next grade level teacher, including placing recommendations within the context of college readiness;
- include parents in decisions regarding instructional recommendations; and
- ensure that recommendations for instruction are carried out.

The next steps include:

- Central office and school staff members are continuing to collaboratively review the results of the first round of Step 5 monitoring and are making adjustments to student schedules as necessary. The principals of the pilot schools will meet in November to debrief Step 5 results and suggest improvements to the full process.
- Adjustments are being made to the process based on parent and school feedback. To better identify traditionally underserved, students, a teacher checklist and survey for students exhibiting nontraditional characteristics of giftedness will be added to Step 1, assessments and student data results used in the process are being analyzed and reviewed, and the parent report is being revised to be more user friendly.
- Implementation procedures are being developed for use on the SIPPI portion of *myMCPS*. Webinars and professional development plans are under development for key stakeholders in the process, including principals, counselors, GT liaisons, and instructional data assistants.
- Over the next few months, the central office SIPPI management team will train key school staff to implement a SIPPI rollout to all MCPS elementary schools in the winter and spring of the 2010–2011 school year.
- In January and February 2011, discussions will begin with elementary/middle school principals to identify needs for the Grade 5/6 SIPPI, with anticipated development in the 2011–2012 school year.

SIPPI is providing schools with a powerful new tool that not only gives principals and teachers data about gifted and talented identification, but also provides detailed data about what services students need to be challenged. The data from the global screening process have remained consistently flat, revealing the same disproportionate results with regard to

race/ethnicity and services provided for intellectually able students that have been seen in the past. African American, Hispanic, FARMS, ESOL, and special education students were underserved with regard to advanced instructional programs and were underrepresented with regard to GT identification for at least two decades. What is so hopeful about the SIPPI process, piloted by 31 elementary schools in 2009–10, is that it takes MCPS closer to the system goal of providing equitable preparation and access to rigorous instructional programs for underrepresented and underserved populations. Staff members now have far more robust data to make appropriate adjustments to school schedules early in the school year to ensure that the needs of students are being met. While further refinements will be incorporated, the preliminary results of the SIPPI process offer more encouraging and optimistic outcomes for children related to access, opportunities, equity, and excellence.

Re: **DISCUSSION**

Ms. Brandman asked how staff deals with the discrepancy between Global Screening and reading and math performance. Staff stated that some children have a very strong profile in reading or math, but to be gifted there needs to be strength in both areas. Therefore, SIPPI targets the instructional services needed to meet the student's needs in these areas.

Mr. Kauffman wanted to know the role of the parent in decision-making and recommendations of the committee. Staff replied that parents want feedback on the decision-making process, and parents can suggest strengths of their child. Finally, teachers meet with the parents to discuss instruction.

Mr. Kauffman was curious about what the process is if a parent disagreed with the committee's recommendation. Staff stated that it depends on content level with key objectives and skill sets of the child, especially for math instruction.

Mr. Barclay was interested in Global Screening and identification of a gifted/talented child. Is there an opportunity for an advocate to be there for student? Who is the advocate? Staff stated that the expectation is that any staff member can advocate for a student by being at the table or by using the staff advocate form.

Mr. Barclay thought it was great to have the survey online and increased participation. He wondered about the students who have not had anyone send in a survey for them. Since there is not that added information, how do we deal with that? Staff commented that this speaks to the power of the committee, and the committee can advocate for the student.

Mr. Barclay frankly stated that there are a lot of parents not participating in the process. He wanted to understand why they are not participating. Is this a factor in under-identifying gifted children? Staff agreed, and they want to drill down to look at data to identify patterns.

Dr. Docca asked if there was a capacity to instruct those who are identified and will the children get the services. With the school recommendation, the parents' recommendation should also count. Finally, when the students are identified, what is being done to train the teachers to make sure they work well with gifted students?



Ms. Berthiaume inquired about parental decision making. With the push for acceleration, some parents feel the placement decision was too advanced. There are times when a parent does not want pressure on their child. She hoped principals would be willing to accommodate a parent's view of the whole child.

Mr. Durso asked how much this tool costs. Staff explained that the central office worked on SIPPI and it was done within existing resources. Mr. Durso pointed out this is an era of doing more with less. Will teachers and principals see this as one more thing to be done? Staff thought it would save time and provide placement consistency.

Mrs. O'Neill was encouraged by the monitoring of placement for gifted students to assure that student receive what they are entitled to have.

Mr. Barclay asked if staff look at the disaggregated data for special education. Staff replied that it is the written report based on a child's IEP.

Mr. Barclay asked how staff assures that children are correctly placed or that there are zero discrepancies. Why is there a greater percentage of African American and Hispanic students not getting services than White and Asian? Staff replied that the placements are made with several criteria, based on the individual child. There is a need to have a conversation with principals to see what the right balance is. Mr. Barclay thought a discrepancy could be understood because it was discussed and there is a reason for the placement. Furthermore, the capacity issue has to be addressed.

Ms. Berthiaume thought the tool is doing what it was intended to do since it has the ability to confirm and monitor placement. However, there is a difference between acceleration and enrichment. A profoundly gifted child thinks differently, and acceleration may not be the answer.

Mr. Kauffman wondered if the children got the instruction they were recommended for, but there are still gaps in the pilot schools. What is going on in the other schools? How does MSA fit into the process? Staff replied that the data relied on in Grade 2 would be the TerraNova.

Mr. Durso wanted to know if safeguards are in place to make sure the recommendations are accurate and principals are not pressured to show results. Staff replied that there are no targets for the SIPPI process, and staff is looking to assure services for each child.

Ms. Brandman commented that if there is a discrepancy in placement, it does not require the parent to trigger that observation. The school can act on the placement quickly. When there was just the gifted/talented label, it was harder to know where the students' strengths were and recommend placement, as well as make mid-course corrections.

**RESOLUTION NO. 508-10            Re:    CLOSED SESSION RESOLUTION**

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

WHEREAS, The Board of Education of Montgomery County is authorized by the *State Government Article* of the *Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Tuesday, November 9, 2010, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 1:00 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; discuss collective bargaining negotiations and related matters, as permitted under Section 10-508(a)(9) of the *State Government Article*; 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)(2)(i) of the *Education Article*; and discuss matters of an administrative function outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*); and be it further

Resolved, That the Board of Education shall continue in closed sessions until the completion of business.

**RESOLUTION NO. 509-10            Re:    REPORT OF CLOSED SESSION**

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

At 9:05 a.m. on October 12, 2010, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *State Government Article* §10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on October 12, 2010, from 9:05 to 9:35 a.m. and 12:50 to 1:50 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and approved the Decisions and Orders for Appeals NEC-2010-31, T-2010-33, T-2010-34, 2010-35, 2010-36, and 2010-37.
2. Reviewed and approved the closed session minutes from August 26, September 16, and September 27, 2010.
3. Discussed the Human Resources Monthly Report with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Reviewed collective bargaining negotiations and related matters, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of

the *Education Article*.

5. Discussed matters of an administrative function (economic status of the county and strategies for the funding of the capital and operating budgets) outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).

In attendance at the closed session for appeals were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Alan Xie, Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, and Patrick Clancy. At 9:10 a.m., after the discussion of the Decisions and Orders, Patrick Clancy left the meeting, and Jerry Weast, Larry Bowers, Frieda Lacey, Jody Leleck, Chris Richardson, Carole Goodman, Frank Stetson, Dana Tofig, Renee Foose, and Brian Edwards joined the Board of Education to discuss the monthly report and budget strategies. At 12:50 p.m. by unanimous vote, the Board of Education voted to conduct a closed session as permitted under the *State Government Article* §10-508(a), *et seq.*, of the *Annotated Code of Maryland*, and Stan Damas joined the Board members to discuss collective bargaining and negotiations.

RESOLUTION NO. 510-10      Re:    **APPEAL**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(a) of the *State Government Article* of the *Annotated Code of Maryland*; now therefore be it

Resolved, That the Board of Education hereby decides the following appeals reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
T-2010-35	Student Transfer	Affirmed

Re:    **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 511-10      Re:    **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of October 25, 2010, at 8:30 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION  
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