

APPROVED
12-2011

Rockville, Maryland
April 28, 2011

The Board of Education of Montgomery County held a regular business meeting at the Carver Educational Services Center, Rockville, Maryland, on April 28, 2011, at 6:30 p.m.

Present: Mr. Christopher Barclay, President
in the Chair
Ms. Laura Berthiaume
Ms. Shirley Brandman
Dr. Judy Docca
Mr. Michael Durso
Mr. Philip Kauffman
Mrs. Patricia O'Neill
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. 191-11 Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on April 28, 2011, in Room 120 from 5:00 to 6:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Monthly Human Resources and Development Report and Appointments 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 discuss the Equal Employment Opportunity Quarterly Report as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County discuss matters relating to 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*; and be it further

Resolved, That the Board of Education of Montgomery County discuss personnel matters and receive legal advice on those matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107 (d) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on April 28, 2011, to acquit its administrative functions and receive legal advice to adjudicate and review 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 the meeting continue in closed sessions 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. 192-11 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for April 28, 2011.

RESOLUTION NO. 193-11 Re: **ASIAN PACIFIC AMERICAN HERITAGE MONTH**

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

WHEREAS, The United States Congress passed a resolution proclaiming the month of May as Asian Pacific American Heritage Month; and

WHEREAS, We honor Montgomery County Public Schools students, staff members, stakeholders, and community leaders who trace their ancestry to Asia or to the indigenous peoples of the Pacific Islands; and

WHEREAS, We celebrate the rich gifts of the Asian Pacific American community and recognize their contributions to our nation, and

WHEREAS, We respect the notable accomplishments of Asian Pacific Americans such as Dr. Steven Chu, winner of the Nobel Prize in Physics 1997 and Secretary of Energy; Senator Hiram Fong, the first Asian American to serve in the United States Senate, representing Hawaii; Mr. Jerry Yang, internet entrepreneur and co-founder of Yahoo!, a global internet company; and Mr. James Iha, best known as a guitarist and co-founder of The Smashing Pumpkins, and

WHEREAS, Our Asian Pacific American community has been an essential component of the American mosaic, now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools hereby declare the month of May 2011 to be observed in Montgomery County Public Schools as Asian Pacific American Heritage Month.

RESOLUTION NO. 194-11 Re: **TEACHER APPRECIATION WEEK**

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

WHEREAS, Education is the process by which one generation imparts knowledge and fosters critical thinking skills so that the next generation may develop a command of their learning as well as a zest and passion for expressing ideas, solving problems, and understanding new viewpoints; and

WHEREAS, Teachers open students' minds to the magic of ideas, knowledge, and dreams; and

WHEREAS, Teachers work tirelessly to serve our students and communities with care and professionalism, filling many roles as listeners, explorers, role models, motivators, and mentors; and

WHEREAS, The Board of Education wishes to recognize publicly all of the ways that teachers contribute to the lives of students; and

WHEREAS, The Board of Education encourages families and schools to show teachers the appreciation they so richly deserve; and

WHEREAS, The Board of Education thanks its teachers for their contributions to excellence in education; now therefore be it

Resolved, That Teacher Appreciation Week be observed by the school system during the week of May 2–6, 2011; and be it further

Resolved, That Tuesday, May 3, 2011, be designated as Teacher Appreciation Day for Montgomery County Public Schools.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

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<u>Person</u>	<u>Topic</u>
1. Susan Buchanan	Bethesda-Chevy Chase Middle School #2
2. Joan Redmond	Bethesda-Chevy Chase Middle School #2
3. Teresa Murray	Bethesda-Chevy Chase Middle School #2
4. Claire Barry	Bethesda-Chevy Chase Middle School #2
5. Valerie Barr	Bethesda-Chevy Chase Middle School #2
6. Bernard Bloom	Bethesda-Chevy Chase Middle School #2
7. Bruce Levitt	Bethesda-Chevy Chase Middle School #2
8. Roger Paden	Bethesda-Chevy Chase Middle School #2
9. Loretta Argrett	Bethesda-Chevy Chase Middle School #2
10. Patricia Tyson	Bethesda-Chevy Chase Middle School #2
11. Judy Karasik	Music in Elementary School
12. Susan Mathis	Music in Elementary School
13. Joel Teitelbaum	Bethesda-Chevy Chase Middle School #2
14. Andrea Kelly	Bethesda-Chevy Chase Middle School #2
15. Karen Madsen	Bethesda-Chevy Chase Middle School #2
16. Kristen O'Keefe	Bethesda-Chevy Chase Middle School #2
17. Randy East	Bethesda-Chevy Chase Middle School #2
18. Sam Statland	Bethesda-Chevy Chase Middle School #2

Ms. Berthiaume remarked that there were hidden reductions in the music program, and music teachers are overwhelmed with the number of students assigned to them.

Mrs. O'Neill commented that the letter from the National-Capital Park and Planning Commission stated that no park land should be used as a school site except when there is a retrieval clause, such as the Kensington land.

Mr. Xie commented that music programs have been beneficial to him and it is critical to start at a young age in order to become proficient.

Mrs. O'Neill pointed out that the school system's budget will be well below Maintenance of Effort since the county executive and County Council will no longer seek a waiver. If the school system has to pay a penalty, it will mean millions of dollars in more reductions in programs and staff.

Re: UPDATE ON SUPERINTENDENT SEARCH

Mr. Barclay announced that Dr. Joshua P. Starr will be appointed superintendent of schools pending contract negotiations and certification from the state.

Re: BOARD/SUPERINTENDENT COMMENTS

Mr. Xie reported that he was reelected as the student Board member for another term. He commented that he was very grateful to be able to continue doing the work of the Board. He thanked the students who supported his candidacy.

The Board members congratulated Mr. Xie, and they looked forward to working with him for another year.

Dr. Docca reported that she had attended the following functions: (1) Arab American Cultural Festival sponsored by the City of Gaithersburg; (2) African American History class at Walter Johnson High School with Mr. Barclay and Ms. Brandman; and (3) retirees luncheon.

Mrs. O'Neill noted that Dr. Weast was at *The Washington Post* honoring the Principal of the Year, Judy Brubaker. Yesterday, many Board members attended Champions for Children, which recognized 10 outstanding people in education.

Mr. Barclay associated his comment with colleagues. He noted that the system is in teacher appreciation week, and it was appropriate to have Champions for Children this week. It is an inspiring program, and MCPS surrounds children with great staff.

Mr. Barclay stated that MCPS is in a difficult financial time, and the County Council making a horrific decision to step away from the law in deciding not to seek a waiver for Maintenance of Effort. This means they are willing to forgo \$29 million dollars coming to the school system by virtue of guaranteeing a penalty. It needs to be made clear to the Council and the community that it will have an impact on young people. Even though people are asking to not make cuts and to find a location for Bethesda-Chevy Chase Middle School, everything costs money. The commitment to education of the Board and community needs to be reiterated to the Council since its decisions are going in an opposite direction. Council decisions will have an impact on every issue and on what the community is advocating for.

Mr. Larry A. Bowers, chief operating officer, commented on the 2011 Champion for Children winners; U.S. Secretary of Education Arne Duncan and Congressman Chris Van Hollen discussed ESEA at John F. Kennedy High School; 12 MCPS students won corporate-sponsored National Merit Scholarships and 13 MCPS students were named as National Achievement Scholars; and two MCPS students were selected to win \$40,000 Ron Brown Scholarships.

RESOLUTION NO. 195-11 Re: **HUMAN RESOURCES AND DEVELOPMENT
MONTHLY REPORT**

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

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

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

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

RESOLUTION NO. 196-11 Re: **DEATH OF MS. YU HWA HUANG,
CAFETERIA WORKER I, THURGOOD
MARSHALL ELEMENTARY SCHOOL**

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

WHEREAS, The death on February 24, 2011, of Ms. Yu Hwa Huang, cafeteria worker I, at Thurgood Marshall Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 6.5 years that Ms. Huang worked for Montgomery County Public Schools, she always displayed a strong knowledge of her responsibilities and her quantity of work was consistently high; and

WHEREAS, Ms. Huang had always built positive relationships with her superiors and was always willing to help others when needed; now therefore be it

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

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

RESOLUTION NO. 197-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **John W. Haas**, currently acting principal, Silver Spring International Middle School, as principal, Silver Spring International Middle School

RESOLUTION NO. 198-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **Julie S. Hall**, currently administrative assistant, Office of School Performance, as director, Division of Business, Fiscal, and Information Systems, Office of Special Education and Student Services

RESOLUTION NO. 199-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **Christopher S. Garran**, currently principal, Walter Johnson High School, as community superintendent for the Bethesda-Chevy Chase, Walter Johnson, Wheaton, and Walt Whitman Clusters, Office of School Performance

RESOLUTION NO. 200-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **Karen Gregory**, currently acting principal, Maryvale Elementary School, as principal, Maryvale Elementary School

RESOLUTION NO. 201-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **Sean P. McGee**, currently acting principal, Damascus Elementary School, as principal, Damascus Elementary School

RESOLUTION NO. 202-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **Kelly Morris**, currently acting principal, Somerset Elementary School, as principal, Somerset Elementary School

RESOLUTION NO. 203-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **R. Kevin Payne Jr.**, currently principal, Fallsmead Elementary School, as principal, Greencastle Elementary School

RESOLUTION NO. 204-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **Donna M. Sagona**, currently acting principal, Laytonsville Elementary School, as principal, Laytonsville Elementary School

RESOLUTION NO. 205-11 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective, July 1, 2011:

- **Darryl L. Williams**, currently principal, Montgomery Blair High School, as community superintendent for the Clarksburg, Damascus, Gaithersburg, Colonel Zadok Magruder, and Watkins Mill Clusters, Office of School Performance

** Mr. Barclay temporarily left the meeting.

RESOLUTION NO. 206-11 Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

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

4062.9 Musical Instrument, Furniture and Equipment—Extension

Awardees (See note)

	Interstate Music	
	Jason's Music Center	
	Jordan Kitt Music	
	Lashof Violins*	
	Guitar Center	
	Music Is Elementary	
	National Educational Music	
	Peripole Bergerault, Inc.*	
	Rhythm Band, Inc.	
	Shar Products Company	
	Stageright Corporation	
	Washington Music Sales*	
	Wenger Corporation	
	Total	\$350,000
4120.4	Science Lab Tables—Extension	
	<u>Awardee</u>	
	Diversified Educational System	\$ 40,000
4240.2	Gestetner 9002 Copier Supplies and Parts—Extension	
	<u>Awardees</u>	
	Capitol Document Solutions	\$ 49,288
	Ikon Office Solutions, Inc.	37,564
	Ricoh Americas Corporation	23,679
	Sharp Electronics Corporation	322,080
	Total	\$432,611
4292.1	Online Professional Development—Extension	
	<u>Awardee</u>	
	Maryland Public Television	\$281,872
4313.1	Safety and Security Crisis Preparedness Video Services	
	<u>Awardee</u>	
	Puritano Media Group	\$162,680
4599.1	Vertical File Cabinets	
	<u>Awardee</u>	
	Douron, Inc.*	\$350,000
7125.3	Transportation Services for Montgomery County Public Schools Students	

	<u>Awardees</u> (See note)	
	Para-Med Medical Transportation, Inc.	
	Regency Cab, Inc.	
	Sun Taxicab Association, LTD	
	Total	\$366,630
7132.4	Kitchenware and Small Equipment—Extension	
	<u>Awardees</u>	
	Buller Fixture Company	\$ 1,369
	Calico Industries, Inc.	29,636
	Culinary Depot, Inc.	2,859
	Total	\$ 33,864
7166.2	Magazine Subscriptions—Extension	
	<u>Awardee</u>	
	W. T. Cox Subscriptions*	\$200,000
9065.8	Lacrosse Supplies and Equipment—Extension	
	<u>Awardees</u>	
	Bill Fritz Sports Corporation	\$ 2,079
	Cannon Sports, Inc.*	446
	Hat World, Inc.	8,450
	Longstreth Sporting Goods	2,332
	Pyramid Paper Company	2,760
	Sport Supply Group, Inc.	14,792
	Sports Stop, Inc.	27,480
	Total	\$ 58,339
9096.4	Corridor Lockers for Various Facilities—Extension**	
	<u>Awardee</u>	
	Partition Plus, Inc.	\$ 78,129
9161.3	Athletic Field Renovations—Extension**	
	<u>Awardee</u>	
	Walker Willis/T/A Custom Masonry	\$500,000
9163.4	Tennis Court Color Coating and Accessories—Extension**	
	<u>Awardee</u>	
	American Tennis Courts*	\$360,000

9186.9	Asbestos Abatement at Various Locations	
	<u>Awardees</u>	
	Environmental Group, Inc.*	\$ 29,300
	Page Technologies*9,774	
	Reliability Contractors, Inc.*	6,540
	Selective Wrecking & Abatement, LLC	36,665
	Total	\$ 82,279
9697.1	Safety Rails Work Platform Projects—Extension	
	<u>Awardee</u>	
	Walker Willis/T/A Custom Masonry	\$425,000
9706.2	Athletic Field Maintenance at Various Locations	
	<u>Awardee</u>	
	Montgomery County Revenue Authority	\$ 40,000
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$3,761,404

* 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. 207-11 Re: **CONTRACT APPROVAL FOR BID NO. 4121.11,
OFFICE PAPER, VIRGIN AND RECYCLED**

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

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

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

4121.11	Office Papers, Virgin and Recycled	
	<u>Awardees</u>	
	B. W. Wilson Paper Company, Inc.	\$ 504,144
	Frank Parsons Paper Company, Inc.	15,232
	Lindenmeyr Munroe	396,947
	OfficeMax	15,520

Unisource Worldwide, Inc.	2,926,270
W. B. Mason Company, Inc.	12,775
Total	\$3,870,888

RESOLUTION NO. 208-11 Re: **CONTRACT APPROVAL FOR RFP NO. 1083.4,
PROFESSIONAL SERVICES—EXTENSION**

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

WHEREAS, Funds have been budgeted for the purchase of professional services and temporary personnel through RFP No. 1083.4; now therefore be it

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

1083.4 Professional Services—Extension

Awardees (See note)

Advanced Software Systems, Inc.*
 AETEA Information Technology
 Bluwater Consulting
 Business Integra, Inc.*
 Ciber, Inc.
 Cost & Performance Solutions, Inc.*
 Dell Perot Systems
 Digicon Corporation*
 Elixir
 Gantech, Inc.*
 Gateway Solutions, Inc.*
 Lighthouse Management Consulting*
 Dennis E. McKay
 Micro Strategy
 Neavsys, Inc.*
 Primescape Solutions, Inc.
 RDA Corporation
 TestPros, Inc.
 United Solutions, LLC*
 US Tech Solutions, Inc.*
 Vangent, Inc.
 Total

\$1,200,000

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 209-11 Re: **CONTRACT APPROVAL FOR BID NO. 7065.10,**

CUSTODIAL SUPPLIES

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

WHEREAS, Funds have been budgeted for the purchase of custodial supplies through Bid No. 7065.10; now therefore be it

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

7065.10	Custodial Supplies	
	<u>Awardees</u>	
	Acme Paper & Supply Company, Inc.	\$782,281
	Calico Industries, Inc.	69,081
	Commercial Wiping Cloth*	5,335
	Dade Paper Company, Inc.	6,926
	Daycon Products Company, Inc.	17,114
	Fastenal Company	3,315
	FPC Distribution	35,019
	Genesis II, Inc.*	39,239
	Holt Paper & Chemical Company	247,516
	Laniado Wholesale Mtc. Products, Inc.*	14,677
	Leonard Paper Company	236,995
	L. L. Clean Company*	26,290
	Pyramid Paper Company	75,254
	S. Freedman & Sons, Inc.	205,229
	S & E Paper Co. Inc./National Supply Company	11,967
	Solutex, Inc.	25,172
	Superior Supply Ltd.	16,437
	Unisource Worldwide, Inc.	3,100
	Total	\$1,820,947

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

RESOLUTION NO. 210-11 Re: **ACCEPTANCE OF CARDEROCK SPRINGS
ELEMENTARY SCHOOL MODERNIZATION
PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board member Laura Berthiaume inspected the Carderock Springs Elementary School modernization project on Tuesday, March 15, 2011; now therefore be it

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

RESOLUTION NO. 211-11Re: **ARCHITECTURAL APPOINTMENTS—AMERICANS
WITH DISABILITIES ACT COMPLIANCE/IN-
HOUSE PROJECTS**

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

WHEREAS, Funds are appropriated annually in the Capital Improvements Program to provide improved accessibility for the disabled at various schools through the *Americans with Disabilities Act* project and the Building Modifications and Program Improvements project; and

WHEREAS, It is necessary to appoint architectural firms to provide architectural and engineering services on an as-needed basis to respond to accessibility and program modification requirements at various schools; and

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

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

WHEREAS, Project specific fees for the necessary architectural and engineering services will be negotiated based upon the size and complexity of the individual projects as they are assigned within the funding limits approved by the Board of Education and the County Council in the Fiscal Year 2011–2016 Capital Improvements Program; now therefore be it

Resolved, That the Board of Education enters into contractual agreements with the architectural firms of JK Architects + Associates and The K Group to provide professional architectural and engineering services as requirements arise for accessibility and facility modification projects.

RESOLUTION NO. 212-11Re: **AWARD OF CONTRACT—BEALL ELEMENTARY
SCHOOL RE-ROOFING**

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

WHEREAS, The following sealed bids were received on March 24, 2011, for the Beall Elementary School re-roofing project:

<u>Bidder</u>	<u>Amount</u>
R. D. Bean, Inc.	\$765,964
Interstate Corporation	782,362
J. E. Wood & Sons Co., Inc.	800,432
Cole Roofing, Inc.	826,175
Orndorff & Spaid, Inc.	832,713

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 20 percent; and

WHEREAS, The low bidder, R. D. Bean, Inc., has submitted 20 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 20 percent is other minority-owned; and

WHEREAS, R. D. Bean, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$765,964 contract be awarded to R. D. Bean, Inc. for the Beall Elementary School re-roofing project, in accordance with drawings and specifications.

RESOLUTION NO. 213-11Re: **AWARD OF CONTRACT—MONTGOMERY
KNOLLS ELEMENTARY SCHOOL RE-
ROOFING**

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

WHEREAS, The following sealed bids were received on March 31, 2011, for the Montgomery Knolls Elementary School re-roofing project:

<u>Bidder</u>	<u>Amount</u>
Orndorff & Spaid, Inc.	\$625,676
Interstate Corporation	751,000
J. E. Wood & Sons Co., Inc.	900,722

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 20 percent; and

WHEREAS, The low bidder, Orndorff & Spaid, Inc., has submitted 20 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 19 percent is African American and 1 percent is other minority-owned; and

WHEREAS, Orndorff & Spaid, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$625,676 contract be awarded to Orndorff & Spaid, Inc. for the Montgomery Knolls Elementary School re-roofing project, in accordance with drawings and specifications.

RESOLUTION NO. 214-11Re: **AWARD OF CONTRACT—CAFETERIA SERVING
LINE AT COL. ZADOK MAGRUDER HIGH
SCHOOL**

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

WHEREAS, The following sealed bid was received on March 29, 2011, for the new cafeteria serving line at Col. Zadok Magruder High School:

<u>Bidder</u>	<u>Amount</u>
CDCI, Inc.	\$275,037

and

WHEREAS, The bid is within the Department of Facilities Management staff estimates; and

WHEREAS, The bidder, CDCI, Inc., is a Maryland Department of Transportation-certified Minority Business Enterprise firm; and

WHEREAS, CDCI, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$275,037 contract be awarded to CDCI, Inc. for the cafeteria serving line at Col. Zadok Magruder High School, in accordance with drawings and specifications.

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RESOLUTION NO. 215-11Re: **REQUEST FROM BRADLEY HILLS ELEMENTARY SCHOOL EDUCATIONAL FOUNDATION, INC. TO FUND VARIOUS IMPROVEMENTS DURING ADDITION PROJECT**

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

WHEREAS, The construction of the addition to the Bradley Hills Elementary School is scheduled to begin in January 2012; and

WHEREAS, The Bradley Hills Elementary School Educational Foundation, Inc. has requested permission to raise funds for various improvements as a part of the school addition; and

WHEREAS, These improvements will enhance community and school activities and will create facility features that enhance the aesthetics of the addition and provide additional learning opportunities for the students; and

WHEREAS, These improvements need to be considered for approval by the Board of Education in accordance with Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*; and

WHEREAS, Similar types of requests have been granted previously; now therefore be it

Resolved, That the Board of Education approves the request of the Bradley Hills Elementary School Educational Foundation, Inc. to fund the following improvements that will be completed during the addition project at the school:

- Artwork in the instructional media center
- Science laboratory equipment in the dual purpose room
- Artwork in the main entrance lobby
- Exterior benches in the main entrance lobby
- Sample of the green roof in the courtyard
- Monitoring devices for utility consumption
- Benches and pavement in the new courtyard

Total Estimated Cost

\$100,000

and be it further

Resolved, That the improvements be designed and bid as add-alternates to the project.

RESOLUTION NO. 216-11Re: **BROAD ACRES ELEMENTARY SCHOOL—
LIMITED LICENSE AGREEMENT**

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

WHEREAS, Victory Oaks, Inc. is the developer of a housing project for senior adults to be constructed on the St. Camillus Church property located on Beacon Road, across the street from Broad Acres Elementary School, located at 710 Beacon Road in Silver Spring, and proposes to use a portion of Beacon Road for access to the project; and

WHEREAS, Historic neighborhood data contemplated the eventual construction and dedication of a portion of Beacon Road along the frontage of the school, but a portion consisting of approximately 200 linear feet remains titled to the Board of Education and is used by the public for ingress and egress to the St. Camillus Church property and the Broad Acres Local Park; and

WHEREAS, Victory Oaks, Inc. has been working with Montgomery County, Maryland, to accept as a public road this portion of the property situated on the Broad Acres Elementary School site; and

WHEREAS, Until Montgomery County, Maryland, accepts through dedication the portion of the Broad Acres Elementary School property for a public road, Victory Oaks, Inc. has requested permission in the form of a Limited License Agreement for its officers, employees, residents, and invitees to traverse a portion of Beacon Road for temporary access to the St. Camillus Church property; and

WHEREAS, The proposed Limited License Agreement is for a limited time granting permission to Victory Oaks, Inc. to travel over a portion of the Board of Education's property while Victory Oaks, Inc. continues to work to make the necessary improvements to Beacon Road to satisfy Montgomery County, Maryland, requirements for dedication; and

WHEREAS, Victory Oaks, Inc. agrees to indemnify the Board of Education for liabilities for use of the future dedicated area and further agrees to coordinate ingress and egress of its construction contractors and agents with the principal of Broad Acres Elementary School; and

WHEREAS, Use of the future dedicated area by Victory Oaks, Inc. will not adversely affect school operations and will benefit the Board of Education by completing the work necessary for acceptance of the road as a public street by Montgomery County, Maryland; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a Limited License Agreement with Victory Oaks, Inc. for access to the St. Camillus Church property on that portion of Beacon Road situated on the Broad Acres Elementary School site.

RESOLUTION NO. 217-11 Re: **GARRETT PARK ELEMENTARY SCHOOL—
GRANT OF UTILITY EASEMENT**

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

WHEREAS, The Potomac Electric Power Company has requested a Grant of Utility Easement at Garrett Park Elementary School, located at 4810 Oxford Street in Garrett Park; and

WHEREAS, The proposed grant, consisting of 2,424 square feet, is necessary for the installation, construction, and maintenance of overhead and underground electric power and energy transmission and distribution facilities to support the school modernization project; and

WHEREAS, All construction and restoration is to be carried out as a part of the capital project at the school; and

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

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a Grant of Utility Easement of 2,424 square feet to the Potomac Electric Power Company at Garrett Park Elementary School.

RESOLUTION NO. 218-11 Re: **MEADOW HALL ELEMENTARY SCHOOL—GRANT
OF FOREST AND TREE CONSERVATION
EASEMENT AND DECLARATION OF
COVENANTS**

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

WHEREAS, A Grant of Forest and Tree Conservation Easement and Declaration of Covenants is required at Meadow Hall Elementary School, located at 951 Twinbrook Parkway, Rockville; and

WHEREAS, The school site contains areas behind the school building that will not be used for school programming or recreational purposes; and

WHEREAS, The proposed easement grant, configured in five parcels totaling 18,681 square feet, will preserve and protect existing trees and provide for the installation, maintenance, and protection of certain additional trees; and

WHEREAS, Tree planting and future maintenance of the forest conservation areas will be

undertaken by the Board of Education, with the City of Rockville being granted the right to inspect in order to confirm compliance with the terms of the Forest and Tree Conservation Easement and Declaration of Covenants; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a Grant of Forest and Tree Conservation Easement and Declaration of Covenants for 18,681 square feet of land at Meadow Hall Elementary School to the Mayor and Council of Rockville.

RESOLUTION NO. 219-11 Re: **FISCAL YEAR 2011 CAPITAL IMPROVEMENTS
PROGRAM TRANSFER OF FUNDS**

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

WHEREAS, Montgomery County Public Schools has identified excess funds in the following projects:

<u>Projects</u>	<u>Amount</u>
Brookhaven Elementary School Addition	\$2,100,000
Harmony Hills Elementary School Addition	1,800,000
Jackson Road Elementary School Addition	2,400,000
Montgomery Knolls Elementary School Addition	2,500,000
Rock View Elementary School Addition	1,900,000

and

WHEREAS, The Board of Education's requested amendments for the Fiscal Year 2011–2016 Capital Improvements Program totaled \$8.64 million for the following four countywide systemic projects:

<u>Projects</u>	<u>Amount</u>
Heating, Ventilation, and AC Replacement	\$6,520,000
Indoor Air Quality	394,000
Planned Life-cycle Asset Replacement	948,000
Washington Suburban Sanitary Commission Compliance	775,000

and

WHEREAS, The Montgomery County Council assumed \$40.0 million in state aid for Fiscal Year 2012 in the adopted Fiscal Year 2011–2016 Capital Improvements Program and there may be a shortfall of state funding; now therefore be it

Resolved, That the Board of Education requests the County Council to transfer to the Unliquidated Surplus account funds from the following projects:

<u>Projects</u>	<u>Amount</u>
Brookhaven Elementary School Addition	\$2,100,000
Harmony Hills Elementary School Addition	1,800,000
Jackson Road Elementary School Addition	2,400,000
Montgomery Knolls Elementary School Addition	2,500,000
Rock View Elementary School Addition	1,900,000

and be it further

Resolved, That upon final approval of the Fiscal Year 2012 state aid allocation, funds remaining in the Unliquidated Surplus account should be used to address any state aid shortfall; and be it further

Resolved, That the Board of Education requests the County Council transfer funding from the Unliquidated Surplus account to the following projects to the extent they are not recommended to be funded by the county executive:

- Heating, Ventilation, and Air Conditioning Replacement
- Indoor Air Quality
- Planned Life-cycle Asset Replacement
- Washington Suburban Sanitary Commission Compliance

and be it further

Resolved, That any balance in the Unliquidated Surplus account remains for future use by Montgomery County Public Schools; and be it further

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

RESOLUTION NO. 220-11 Re: **UTILIZATION OF THE FISCAL YEAR 2011
PROVISION FOR FUTURE SUPPORTED
PROJECTS FUNDS**

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

WHEREAS, The above-noted grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 16-1374, approved May 27, 2010; and

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

WHEREAS, Sufficient appropriation is available, within the Fiscal Year 2011 Provision for Future Supported Projects, to permit the above-noted transfers within state categories; now

therefore be it

Resolved, That the superintendent of schools be authorized by the Montgomery County Board of Education to receive and expend \$999,543 within the Fiscal Year 2011 Provision for Future Supported Projects, as specified below:

Project	Amount
21st Century Community Learning Centers	\$ 318,750
Title I—Part A	93,235
Quality Teacher Incentive Program	<u>587,558</u>
Total	\$ 999,543

and be it further

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

Re: **BETHESDA—CHEVY CHASE MIDDLE
SCHOOL #2—SITE SELECTION**

On recommendation of the superintendent, Mr. Bowers presented the following resolution for consideration by the Board:

WHEREAS, The Fiscal Year 2012 Capital Budget and *Amended Fiscal Year 2011–2016 Capital Improvements Program* recommends that a site selection process be implemented to identify a middle school site to serve students in the Bethesda-Chevy Chase Cluster; and

WHEREAS, A Site Selection Advisory Committee was convened that considered 10 potential candidate sites; and

WHEREAS, The Site Selection Advisory Committee recommended that a 17.01-acre parcel, known as the Rosemary Hills/Lyttonsville Local Park, be selected for the Bethesda-Chevy Chase Middle School #2; and

WHEREAS, The site, located at 2450 Lyttonsville Road in Chevy Chase, is well located to serve the Bethesda-Chevy Chase Cluster and is titled to the Maryland-National Capital Park and Planning Commission; and

WHEREAS, The future middle school could be collocated with the existing facilities at the Rosemary Hills/Lyttonsville Local Park; and

WHEREAS, If the Rosemary Hills/Lyttonsville Local Park site does not become available to locate Bethesda-Chevy Chase Middle School #2, an alternative site will be needed; and

WHEREAS, The Site Selection Advisory Committee identified the Rock Creek Hills Local Park site located at 3701 Saul Road in Kensington (titled to the Maryland-National Capital Park and Planning Commission) as the alternate site if the Rosemary Hills/Lyttonsville Local Park site is not available; now therefore be it

Resolved, That the Rosemary Hills/Lyttonsville Local Park be selected as the site for the Bethesda-Chevy Chase Middle School #2; and be it further

Resolved, If the Rosemary Hills/Lyttonsville Local Park site does not become available as the site for Bethesda-Chevy Chase Middle School #2, that the Rock Creek Hills Local Park site be selected as the alternate site for the school; and be it further

Resolved, That the feasibility study for Bethesda-Chevy Chase Middle School #2 includes both sites to ensure that there is no delay in the project; and be it further

Resolved, That the Maryland-National Capital Park and Planning Commission, County Council, and State of Maryland Interagency Committee for Public School Construction be made aware of this action.

** Mr. Barclay rejoined the meeting.

Re: **DISCUSSION**

Mrs. O'Neill asked if the second site selection was published or reported in the news outlets. Was the alternative site published anywhere? Staff responded that the second site was not mentioned in the original resolution. The Site Advisory Report was released with the alternative site. On April 21, there was a community meeting held on site selection.

Ms. Berthiaume inquired about the buildable acres on the Rosemary Hills/Lyttonsville Local Park site. Staff stated that the area is 17.1 acres, but some of the site is not usable. The size of the school and fields are taken into account. There is a baseball and soccer field on the site, and the building could be fit onto the soccer field and the existing parking lots could be reconfigured for parking and bus loops.

Ms. Berthiaume inquired whether staff had researched the assertion that there are bunkers or military waste on the site. Staff reported that it was inconclusive and unconfirmed. During the site selection the staff typically conducts a geotechnical analysis by boring to a specified depth to determine the type of soil and other issues which will be part of the feasibility study.

Ms. Berthiaume asked about identifying sites in the cluster; staff was looking for vacant land (Department of Parks disagreed that the land is vacant), but did staff focus on the acquisition of private property? Staff replied that they did not look at private property; however, the ten sites included churches, golf courses, and not just publicly owned land. Through the process, staff looks at open land that can be converted for school use.

Ms. Berthiaume inquired about the process and noted that Mr. Mark Wallace indicated at the meetings that the Department of Parks of the Maryland-National Capital Park and Planning Commission would object to acquisition of parks for school sites. With that policy position, why did the process continue? Staff indicated that they were waiting to determine the position of the Department of Parks. If all parks are off the table, there will be no opportunities in many areas to acquire school sites. The alternative site is a former school site, and Mr. Leggett indicated that the alternative would be available.

Mr. Barclay noted that the letter from the Department of Parks clearly states that they are pledged to protect these holdings and parks, and parks should not be available for non-park purposes except in the most extraordinary circumstances. Staff thought it was time to collaborate with the Department of Parks since some parks were formed on closed school sites. Furthermore, the school system has reclaimed closed schools and sites.

Mrs. O'Neill noted that there was a park reclaimed by the Board to build Roscoe Nix Elementary School based on overcrowding of schools within that area. Within the deed, there is a clause to reclaim the site of Rock Creek Hills Local Park. She is very familiar with both sites offered in the superintendent's recommendation. Last fall, the superintendent recommended establishing a Site Selection Advisory Committee to identify a site for a middle school. The Board discussed the option of modifying Westland Middle School to accommodate students in the cluster or move students from the cluster. What are the pros and cons of building an addition to Westland? Staff explained that there was a recent addition in the courtyard, and there is room for six more classrooms. Westland has capacity for 1,000 students with a projection of 1,400 students without the students from the two elementary schools with sixth graders. Finally, the core capacity of Westland is for less than 1,000 students.

Mr. Durso inquired why the Site Selection Advisory Committee did not include anyone from Silver Spring or Kensington. How was the makeup of the committee determined? Staff stated that there were 29 people who participated representing different stakeholders including the county government and parent cluster groups. Mr. Durso thought that a segment of representation from the immediate area should be included in the process.

Mr. Barclay noted that community members have raised valid issues. There is a need to look at how members are selected to the Site Selection Advisory Committee to assure that all segments of the community are represented, such as apartment dwellers. There is a need to be more attentive to the selection of the membership to include a broad range of participation. There is a need for the Board and the Maryland-National Capital Park and Planning Commission to establish a collaborative process.

Ms. Brandman stated that there were times when the Board reclaimed park land or there were land swaps. There is a huge explosion in enrollment where there is not enough green space. The challenges the Board is facing are new challenges with the need for a new process. The PTAs have been used in the past because they represent the children and community. In this case, staff followed the process. The need for schools is real, but there are not a lot of options. Sometimes, there are tradeoffs where a community could lose a

field, but gain a gym. Even with changes in the process, there is a need to make a decision now. Staff replied that this is new territory, and the process will be examined to recommend changes.

Mr. Durso was concerned about the Rock Creek Hill site, and the community learning about that site late in the process. Though it was not intended, the perception of the community is that MCPS was less than diligent in informing them.

RESOLUTION NO. 221-11 Re: **BETHESDA-CHEVY CHASE MIDDLE SCHOOL
#2—SITE SELECTION**

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

WHEREAS, The Fiscal Year 2012 Capital Budget and *Amended Fiscal Year 2011–2016 Capital Improvements Program* recommends that a site selection process be implemented to identify a middle school site to serve students in the Bethesda-Chevy Chase Cluster; and

WHEREAS, A Site Selection Advisory Committee was convened that considered 10 potential candidate sites; and

WHEREAS, The Site Selection Advisory Committee recommended that a 17.01-acre parcel, known as the Rosemary Hills/Lyttonsville Local Park, be selected for the Bethesda-Chevy Chase Middle School #2; and

WHEREAS, The Site Selection Advisory Committee identified the Rock Creek Hills Local Park site located at 3701 Saul Road in Kensington (titled to the Maryland-National Capital Park and Planning Commission) as the alternate site if the Rosemary Hills/Lyttonsville Local Park site is not available; now therefore be it

Resolved, That the Rock Creek Hills Local Park site be selected as the site for the school; and be it further

Resolved, That the feasibility study for Bethesda-Chevy Chase Middle School #2 be conducted for the Rock Creek Hills Local Park site to ensure that there is no delay in the project; and be it further

Resolved, That the Maryland-National Capital Park and Planning Commission, County Council, State of Maryland Interagency Committee for Public School Construction, and the greater Bethesda-Chevy Chase community be made aware of this action.

Re: MONTHLY FINANCIAL REPORT

Mr. Bowers reported that the financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of February 28, 2011, and projections through June 30, 2011, based on program requirements and estimates made by primary and secondary account managers. At this time, revenue has a projected deficit of \$300,000, while expenditures have a projected surplus of \$17,000,000. Staff in the MCPS Department of Management, Budget, and Planning will continue to closely monitor both revenues and expenditures.

Re: REAUTHORIZATION OF ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. Bowers invited the following people to the table: Ms. Laura Steinberg, staff assistant, Office of the Board of Education; Mr. Reginald Felton, director of federal relations, National School Boards Association; Mr. John R. Woolums, director of governmental relations, Maryland Association of Boards of Education, and Ms. Sarah Schenning, staff, Office of Congressman Chris Van Hollen.

The *Elementary and Secondary Education Act of 1965* (ESEA) was enacted as a component of President Johnson's War on Poverty and designed to focus federal funding on poor schools with underachieving students. ESEA includes a series of programs such as Migrant Education, Rural Education, and Title I. Title I in particular was intended to improve education for students living in poverty and has become a mainstay of the law. In 1980, Congress established the Department of Education as a Cabinet-level agency thereby elevating the issue of public education at the national level. A few years later, the National Commission on Excellence in Education issued the landmark report *A Nation at Risk: The Imperative for Educational Reform*, which touched off a wave of local, state, and federal reform efforts. Each subsequent era has seen the law modified to reflect the prevailing theories on school reform.

In 1994, ESEA was reauthorized through the *Improving America's Schools Act* (IASA). This reauthorization emphasized standards-based education and assessment. Also in 1994 the *Goals 2000: Educate America Act* was passed. This Act broadened the focus of federal education policy to support state and local efforts to set challenging content and performance standards and raise the academic achievement of students. Goals 2000 and IASA were intended to work in concert to create an environment conducive to school reform efforts. The prevailing belief was that by raising standards and assessing student performance against those standards public education would generally improve.

From the passage of IASA to the turn of this new century, school systems invested in content standards, performance standards, collection of longitudinal data, and assessments. By 2000, 48 states, the District of Columbia, and Puerto Rico all had United States Department of Education approval of their content standards processes. These efforts set the context for the passage of the 2002 reauthorization of ESEA, *No Child Left Behind Act of 2001* (NCLB).

Moving beyond standards, this law places a distinct emphasis on assessment and accountability. Under NCLB, every state must track the achievement of all students against a common set of standards. To ensure that school systems are held accountable for all students, NCLB requires accountability by subgroup. States were required to develop assessments to be given to all students in certain grades, if those states are to receive federal funding for schools. NCLB does not assert a national achievement standard; standards are set by each individual state. NCLB was predicated on the belief that accountability would fuel school reform. If school systems were required to report, by subgroup, how students were performing there would be public pressure to address underperforming schools. In particular, NCLB was designed to achieve the following goals:

- Reduce the achievement gap among various groups:
 - School as a whole
 - Racial/Ethnic groups (6 major racial/ethnic groups)
 - Economically disadvantaged
 - Students with disabilities
 - English language learners
- Improve the quality of education for all students
- Provide parents with more choices (Title I schools only)
- Require increased accountability
- Designate testing as the main method for accountability
- Mandate standards-based assessments for Grades 3–10

Adequate Yearly Progress

Under NCLB the system devised to hold school systems more accountable was based on the vision that by the year 2014 all students would meet the state's performance standards. The concept of *Adequate Yearly Progress* (AYP), the measuring of how schools were meeting state standards, was introduced. In order to meet AYP schools must do three things:

1. At least 95 percent of all students must take the tests.
2. The required percent of students must be proficient (or on grade level) in both mathematics and language arts. The required percent proficient in language arts and mathematics moves from year to year toward 100% of all students and groups of students being proficient (or 100% on grade level) by 2013–2014.
3. The school must meet the "other academic indicator."
 - For elementary and middle school this is a 94 percent attendance rate.
 - For high school currently this is an 85.5 percent graduation rate.

A school would not make AYP if a school missed any of the targets (school may make AYP by Confidence Interval or Safe Harbor). There are a total of 31 targets a school must reach in order to make AYP.

- 10 groups meet the language arts requirements

- 10 groups meet the mathematics requirements
- 10 groups meet the 95 percent participation requirements
- 1 of the schools meets the “other academic indicator”

A series of increasing sanctions are applied if a school doesn't meet AYP.

Title I Schools

Years of Not Meeting AYP	Label	Requirements
1	Alert	All staff completes a School Inventory (MSDE Requirement)
2	School Improvement I	Peer Review of School Improvement Plan School Choice
3	School Improvement II	Peer Review of School Improvement Plan School Choice Supplemental Educational Services (SES)
4	Corrective Action	Peer Review of School Improvement Plan Complete a Root Cause Analysis Documented Corrective Action Steps to improve student achievement School Choice Supplemental Educational Services (SES)
5	Restructuring Planning	Peer Review of School Improvement Plan Develop a Plan for Restructuring Options School Choice Supplemental Educational Services (SES)
6	Restructuring	Peer Review of School Improvement Plan Implement Restructuring Plan School Choice Supplemental Educational Services (SES)

Non-Title I Schools

Years of Not Meeting AYP	Label	Requirements
1	Alert	All staff completes a School Inventory (MSDE Requirement)
2	School Improvement I	Peer Review of School Improvement Plan
3	School Improvement II	Peer Review of School Improvement Plan
4	Corrective Action	Peer Review of School Improvement Plan

		Complete a Root Cause Analysis Documented Corrective Action Steps to improve student achievement
5	Restructuring Planning	Peer Review of School Improvement Plan Develop a Plan for Restructuring Options
6	Restructuring	Peer Review of School Improvement Plan Implement Restructuring Plan

Highly qualified teachers and paraprofessionals

NCLB addressed teacher quality through provisions on teacher qualifications. Under NCLB expectations for teacher qualifications were outlined. All teachers of core academic subjects were required to meet new federal standards outlined below by June 30, 2006.

1. Must be fully certified
2. Must have a bachelor's degree
3. Must prove subject area competency in the subject taught by doing ONE of the following:
 - degree or advanced degree in the subject
 - major or equivalent in the subject
 - passing score on a state-approved test
 - passing score on a state evaluation tool
 - being Nationally Board Certified in the subject area

Paraprofessionals (teacher aides and tutors), in Title I schools only, also must meet new standards.

- Must have a high school diploma (or the equivalent), AND
- Must have a two-year college degree (or equivalent); OR
- Must pass a rigorous examination and evaluation.

The ESEA has been up for reauthorization since 2007. U.S. Secretary of Education Arne Duncan has said that it is his top priority, while President Obama has called on Congress to take action before the start of the 2011–2012 school year. Several stakeholder groups have suggested if reauthorization cannot be completed by then, then legislation should be enacted to defer implementation of sanctions in the current bill.

A recent letter to leadership of the Health, Education, Labor and Pensions Committee from the Council of State School Officers succinctly summarized the major concerns stating that “stakeholders are not willing to wait much longer for a new version of ESEA to begin implementing new reforms.” They have challenged the Congress and Administration to make ESEA reauthorization a top bipartisan priority and warned that if delayed, they intend to exercise their authority, which permits states to develop and propose new policy models

to the Secretary of Education for approval.

Re: **DISCUSSION**

Mr. Barclay stated that people were excited about the issue of accountability and disaggregated data. That was very important to many communities, as is the requirement to post that data. The other side of the issue is teacher and principal effectiveness. There is a real concern to make the definition workable and provide the support for teachers and principals without the funding provided by NCLB. Ms. Schenning thought there was a lot of consolidation with teacher training. The intent is to have larger and more competitive pots of money to fund staff development. Effectiveness definitions must come from the local level and how student outcomes are measured. Mr. Felton stated that it is a complex issue and there is a shift from credentials to student academic progress. The difficulty is in implementation without federal funding. Mr. Bounds added that Maryland is unique with the Race to the Top grant. Maryland adopted the Education Reform Act so that teachers and principals are evaluated on student performance.

Mrs. O'Neill commented on performance assessment prior to NCLB. She has heard from parents that NCLB is really no child left untested. There is so much attention to testing and there is no joy of learning. The other thing is a hugely underfunded mandate from the federal government. Ultimately, she wants more money and to reduce the pressure on testing. Mr. Felton has heard that the testing has narrowed the curriculum to the two target subjects. Congress wants a report card to affirm that the limited dollars are justified. Ms. Schenning said that Congress has bills to fund Title I and IDEA. This administration has worked very hard to protect federal dollars for education. She agreed that there are been a focus on the one test,]which is punitive at the end of the evaluation.

Ms. Berthiaume remarked that the curriculum has narrowed nationwide and has taken the joy of learning out of the classroom. From a parent's perspective, the month of March is dedicated to test prep, thus eliminating a month of instruction. She felt that NCLB has been a failure, with budgets doubling without the correspondING increase in grades. In fact, children have been harmed without appropriate instruction in science and the arts. Research has shown that these subjects connect with other instruction and develop better circuits in the brain. In the future, there needs to be a systems approach to measure the outcomes with accountability and without punitive action. Finally, every child should learn something new every day with supports.

Ms. Brandman commented that a component of effectiveness is actually about engaging all students, especially those on the verge of dropping out. Also, the legislation has to remove the penalties for those students who just need a little more time to master the curriculum. There is no reason for high school to be four years. Students should be able to test out earlier, and penalties should be eliminated for students who need five years of instruction. Also, she was pleased that NSBA's focus on preschool is exactly right. She noted that the urgency of 2014 has penalties for schools, and some terrific schools will be labeled as failures, especially schools with special needs and language-challenged students. She asked if there was a conversation at the national level to eliminate the

penalties. Mr. Felton stated that NSBA has developed language to defer sanctions without reauthorization by June 30, 2011.

Mr. Durso was pleased to hear what Mr. Felton had to say because the local school is frustrated with making AYP after a great deal of work. One plus of NCLB is that it has looked at all students to force schools systems to drill down and address the educational needs of all students.

Mr. Barclay stated that the application process for RTTT grants, he was concerned that states are going for the dollars without a well-thought-out plan that will work in the long run or it is unclear how it can be done. He is concerned about the political ramifications. Maryland's application has a component for student growth at 50 percent. How is that done in physical education or art? Mr. Barclay agreed with the aspiration to assure student growth through teacher and principal effectiveness, but what is the execution of that component? Delaware has a RTTT grant, and it is still struggling with implementation. Teacher and principals effectiveness is exciting to think about. Also, there is an issue of motivating students who are high flyers and those who are not. Also, there is a challenge to go beyond the schoolhouse to education children.

RESOLUTION NO. 222-11 Re: CLOSED SESSIONS RESOLUTION

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Ms. Berthiaume, 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 Tuesday, May 10, 2011, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:30 to 1:30 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; review and adjudicate appeals in its quasi-judicial capacity; consult with counsel to obtain legal advice, as permitted under Section 10-508(a)(7) of the *State Government 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 such meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 223-11 Re: REPORT OF CLOSED SESSION

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Ms. Berthiaume, the following report was approved unanimously:

On March 28, 2011, the Board of Education voted unanimously to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* §10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on March 28, 2011, from 7:15 to 8:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and:

1. Received legal advice and considered Appeals T-2011-1 and 2011-5, as permitted under Section 10-508(a)(7) of the *State Government Article* with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).
2. Discussed matters of an administrative function relating to the acquisition of real property for a public purpose and matters related thereto (Bethesda-Chevy Chase Middle School #2 – Site Selection) which are outside the purview of the *Open Meetings Act* (Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*).

In attendance at the 7:15 p.m. closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Alan Xie, Ikhide Roland Ikheloa, Suzann King, Glenda Rose, and Laura Steinberg. At 7:25 p.m., Mr. Clancy left the meeting and the following staff joined the meeting: Larry Bowers, Sean Bulson, Carole Goodman, Don Kress, Frieda Lacey, Erick Lang, Brian Edwards, Frank Stetson, Dana Tofig, Jerry Weast, and Brenda Wilks.

On March 31, 2011, the Board of Education voted unanimously to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* §10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on March 31, 2011, from 6:45 to 8:00 p.m. in Room 127 of the Carver Educational Services Center, Rockville, Maryland, and discussed personnel matters and received legal advice on those matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*.

In attendance at the closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Pat Clancy, Judy Docca, Michael Durso, Ikhide Roland Ikheloa, Phil Kauffman, Susann King, and Patricia O'Neill.

RESOLUTION NO. 224-11 Re: **MINUTES**

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

Resolved, That the Board of Education approve its minutes for February 8, February 14, February 28, March 8, March 14, and March 15, 2011.

RESOLUTION NO. 225-11 Re: APPEALS

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Ms. Berthiaume, 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>
2011-6	Teacher Dismissal	Affirmed
2011-7	Student Expulsion	Oral Argument
T-2011-1	Reconsideration	Denied
T-2011-2	Student Transfer	Affirmed
T-2011-3	Student Transfer	Affirmed
T-2011-4	Student Transfer	Affirmed

Re: LEGISLATIVE UPDATE

Ms. Laura Steinberg, Legislative Aide and Staff Assistant, reported that when the 2011 regular session of the Maryland General Assembly came to a close at midnight on April 11, 2011, a total of 2,353 bills had been introduced, of which 707 were successful. Bill signings by the governor have been or are scheduled for April 13, April 25, May 10, and May 19, 2011.

The General Assembly was able to increase FY 2012 state aid for primary and secondary education by \$57.3 million to a total of nearly \$5.8 billion, 1.0 percent more than FY 2011. Montgomery County's share of direct aid for primary and secondary education was over \$564 million, a 7.6 percent increase from FY 2011. The total state capital budget includes slightly more than \$250 million for school construction and \$6 million for the Aging School Program. By March 2011, \$225 million of school construction funds were allocated, with Montgomery County recommended to receive \$26 million. The remaining \$25 million will be allocated by mid-May. Additionally, Montgomery County will be receiving \$9 million from a supplemental appropriation made possible by an increase in the alcoholic beverage tax.

Enacted bills will impact, among other issues, maintenance of effort (MOE), student athletics, transportation, charter schools and data reporting. Bills defeated, among other things, would have changed the criteria and process for requesting a waiver for meeting maintenance of effort, created tuition vouchers, modified high school graduation requirements, and provided capital funds for charter schools.

Budget Highlights

The General Assembly enacted a \$34.2 billion budget for FY 2012, an increase of \$940.4 million, or 2.8 percent, above FY 2011. State aid for primary and secondary education will increase by \$57.3 million in FY 2012 to a total of \$5.8 billion, a 1.0 percent increase above the FY 2011 level. State aid provided directly to the local boards of education increases by \$74.1 million or 1.5 percent.,

Several significant actions were taken as part of the Budget Reconciliation and Financing Act (BRFA). First, the BRFA authorizes the use of \$124.4 million in FY 2011 general funds that were saved as a result of federal funding available through the Education Jobs Fund. The monies will be distributed to school systems in June 2011 to prefund a portion of FY 2012 state aid. Second, per-pupil funding was maintained at the FY 2011 level, resulting in an increase of \$58.5 million over the governor's proposed budget. Third, the BRFA included aid to Baltimore City due to a transfer of retiree health care costs as well as aid to some counties to limit reduction in aid to 6.5 percent.

Through statutory changes made in the BRFA, the state pension system was restructured to realize a \$74.4 million reduction in cost to the state. The changes to the benefit structure are divided between those affecting individuals who are active members prior to July 1, 2011, and those affecting only new members hired after June 30, 2011. Changes impact employee contribution, multiplier effect, average final compensation, vesting period, retirement age, early retirement, and benefit COLA. Additionally, the BRFA requires local boards of education to pay \$17 million as a share of the administrative costs for the State Retirement Agency.

The BRFA also included language regarding the local budgeting process. The language specifies that boards of education must request and governing bodies must fund, at a minimum, the amount required to meet the local share of foundation aid and describes when a governing body must explain its funding decisions. No change was made to the Maintenance of Effort requirement or the process for granting a waiver or imposition of a penalty if Maintenance of Effort is not met nor a waiver granted. Additionally, the BRFA clarified, for FY 2012, that both state and federal funds are to be used in any penalty calculation.

The FY 2012 budget for public school construction includes \$240.3 million in general obligation bonds and an additional \$9.7 million from the Statewide Contingency Fund. The local school systems requested a total of approximately \$612.3 million for FY 2012, of which \$500.2 million is eligible for state funding.

Seventy-five percent of the preliminary \$250 million school construction allocation announced by the governor in October, or \$187.5 million, was recommended for specific projects by the Interagency Committee (IAC) and approved by the Board of Public Works (BPW) in January 2011. An additional \$37.5 million was recommended by the IAC in late February 2011, and the remaining funds will be reviewed by BPW for approval in mid-May 2010.

In addition, \$47.5 million is dedicated to school construction projects from revenues to be raised through an increase in the alcohol sales tax, as specified in House Bill 1213. These projects may or may not be eligible for funding from the Public School Construction Program, and must be approved by the Board of Public Works (BPW). The BPW must consider requests from local jurisdictions and projects that benefit older school buildings, benefit schools with high proportions of low-income students, can be completed in one year, eliminate or reduce the use of relocatable classrooms, are eligible for state funding but are not fully funded in FY 2012, and reduce energy consumption or incorporate high-performance “green” building principles.

Key Enacted Bills of Interest

Over the course of the 2011 session, 69 bills, 38 of which were cross filed, were brought before the Board of Education for consideration. Of the 13 bills that were enacted, the Board supported as introduced 7, supported with amendment 4, and opposed 2. Of the 25 bills that the Board supported, 3 passed as introduced, 3 passed with amendment, 10 died in committee, 6 received unfavorable reports and 2 were withdrawn. The Board supported with amendment 11 bills, of which 1 passed as introduced, 3 passed with amendment, 5 died in committee, 1 received an unfavorable report, and 1 was withdrawn.

BOE Position and Legislative Outcome

BOE Position	Legislative Outcome				Total
	Passed	Passed with Amendment	Died in Committee	Unfavorable Report or Withdrawn	
Support	3	3	10	8	25
Support with Amendment	1	3	5	2	11
Oppose		2	21	10	33
Subtotal					
Total	Enacted		Not Enacted		69
	12		56		

Charter Schools

The Board supported SB609, *Public Charter Schools—Occupation and Use of School Sites and Buildings*. This bill, as amended, authorizes public charter schools in the state to occupy and use school sites or buildings that are no longer needed by the county board of education for school purposes if the county governing body determines the property is not an integral part of an existing economic development plan. The bill also exempts any portion of a building or property occupied and used by a public charter school from property taxes.

Fiscal

The Board supported HB869, *Education - Maintenance of Effort – Penalty*. This bill delays any MOE penalties imposed by the state board of education until the fiscal year after a

county fails to fully fund the required MOE amount. This change prevents a school system from having to absorb both the reduction in county funding and absorbing an MOE penalty in the same fiscal year.

Human Resources

The Board supported HB202, *Education- Discrimination Prohibited– Protected Classes*. It is the policy of the state to assure all persons equal opportunity in receiving employment and in all labor management-union relations, regardless of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment. This bill conforms the provisions of law relating to discrimination in the employment of public school employees to other provisions of state law governing discrimination in employment by adding ancestry, age, marital status, and sexual orientation as protected classes.

Reporting

The Board supported HB104, *Judith P. Hoyer Early Child Care and Education Enhancement Program– Annual Report*. This bill requires MSDE to include information on participating agencies and programs in its annual report on the Judith P. Hoyer Early Child Care and Education Enhancement Program. The annual report must provide a description of expenditures, enrollment, and statewide performance data, including school readiness data disaggregated by program and jurisdiction. In addition, the bill requires that MSDE submit its annual report by November 1 each year, rather than by January 1.

The Board supported, with amendment, HB751, *Agriculture - Jane Lawton Farm-to-School Program – Reporting*. This bill requires each local educational agency participating in the Jane Lawton Farm-to-School Program to report by January 1 each year to the Department of Agriculture the types and amounts of farm products purchased from farms in the state. MCPS currently celebrates the Farm-to-School Program every year in September. MCPS collects and provides specific information pertaining to produce obtained from specific local farms to schools. The Board's support with amendment addressed the belief that there should be flexibility to allow for reporting in a manner consistent with the recordkeeping of each LEA.

Students-Athletics

The Board opposed HB364, *Student Participation in High School Sports - Academic Requirements*. This bill proposed to establish specific statewide academic eligibility applicable to all schools and to all students. The Maryland State Department of Education (MSDE) and the Maryland Public Secondary Schools Athletic Association (MPSSAA) require that all school systems establish standards for athletic participation which assure that students are making satisfactory progress toward graduation. Neither MSDE nor MPSSAA specify precisely what those standards should be. Though the standards are similar from one school system to another, they are not exactly the same. As amended, this bill requires the State Board of Education, in consultation with the county boards, to report by December 31, 2011, to the General Assembly regarding minimum academic performance standards that students in public high school should meet in order to

participate in athletic competitions. The report must include recommendations regarding the curriculum content, minimum grade point average, and grade progress that public high school students should satisfy to be eligible to participate in athletic competitions sanctioned by the county board.

The Board supported with amendment HB 858, *Education - Student Athletes – Concussions* as well as SB 771, *Education - Student-Athletes – Concussions*. As amended, these bills requires MSDE to develop and implement a program to provide concussion awareness to students and youth in youth sports programs. The information must be provided as a separate information sheet or as part of the registration for the program.

Students—Health

The Board supported HB1013, *Permanent Hearing Aid Loan Bank Program - Establishment and Operation*. This bill reestablishes a permanent Hearing Aid Loan Bank Program at the Maryland State Department of Education (MSDE). The program must provide and maintain a pool of hearing aids for loan, testing, and programming equipment for the hearing aids, and supplies for repairing and reconditioning the hearing aids.

Students—Other

The Board supported SB167, *Higher Education - Tuition Charges – Maryland High School Students*. This bill, as amended, exempts individuals who attended and graduated from Maryland high schools from paying out-of-state tuition and non-resident tuition under specified circumstances (i.e. year of high school graduation, documentation of parent filing Maryland tax return, enrollment at community college preceding enrollment in four-year institution, etc.) at public institutions of higher education in Maryland. Documented immigrants who are in the country on student visas do not qualify for the exemption, but otherwise the exemption applies regardless of residency status.

Transportation

The Board opposed SB369, *Education - School Buses – Fire Safety Standards*. This bill, as introduced, introduces fire safety standards gleaned from the furniture (ASTM E 1537) and appliance (UL 94) industries and proposes their application to the manufacture of school buses. As amended, this bill requires school buses procured for use in the state on or after January 1, 2014, to meet certain fire safety criteria. The bill requires MSDE to advise the Motor Vehicle Administration on the adoption of regulations to promote the fire safety of school buses.

The Board strongly supported SB679, *Vehicle Laws - Overtaking and Passing School Vehicles –School Bus Monitoring Cameras*. This bill allows law enforcement agencies, in consultation with a county board of education, to place cameras on county school buses to record motor vehicle violations of passing motorists. MCPS began installing outside cameras on new school buses placed in service for the 2010–2011 school year in anticipation of the passage of this bill.

Other Bills of Interest

House Bill 671, *Federal Military and Overseas Voter Empowerment (MOVE) Act Compliance*, changes the state election law to comply with federal legislation which requires, among other things, that state send absentee ballots to military and overseas voters no later than 45 days before an election. As passed, this bill moves Maryland's gubernatorial primary election date forward in the calendar year, from the second Tuesday after the first Monday in September to the last Tuesday in June. It also moves Maryland's presidential primary date later in the calendar, from the second Tuesday in February to the first Tuesday in April.

House Bill 38, *Nonpublic Schools Participating in State-Funded Education Programs – Bullying, Harassment, and Intimidation – Policies*, requires nonpublic school that receive state funds, to adopt a policy prohibiting bullying, harassment, and intimidation and encourages them to develop educational bullying prevention programs for students, staff, volunteers, and parents.

HB 79, *Task Force to Study the Creation of a Maryland Center for School Safety*, creates a task force, to be staffed by Bowie State University, to study the issue and present a final report with findings and recommendations by July 1, 2012.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, Or Disabled-Owned Business Procurement Report For The Third Quarter Of Fiscal Year 2011

RESOLUTION NO. 226-11 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of April 28, 2011, at 10:25 p.m.

PRESIDENT

SECRETARY

JDW:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Kauffman	O'Neill	Xie
BCC MS #2	A	A	A	A	N	A	A	(A)

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

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