

APPROVED  
1-2013

Rockville, Maryland  
January 8, 2013

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on January 8, 2013, beginning at 9:00 a.m.

Present: Mr. Christopher Barclay, President  
in the Chair  
Ms. Shirley Brandman  
Dr. Judy Docca  
Mr. Michael Durso  
Mr. Philip Kauffman  
Mr. John Mannes  
Mrs. Patricia O'Neill  
Mrs. Rebecca Smondrowski  
Dr. Joshua Starr, Secretary/Treasurer

Absent: None

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

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

RESOLUTION NO. 1-13 Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on January 8, 2013, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 9:00 to approximately 10:00 a.m. and 1:00 to approximately 2:00 p.m.; and be it further

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

Resolved, That the superintendent of schools brief the Board on the Human Resources and Development Report and Appointment, with a subsequent vote in open session, which is an administrative function outside the purview of the *Open Meetings Act* and,

to the extent any individual employee is discussed, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board receive legal advice and discuss pending litigation regarding the Board property located at Brickyard Road, as permitted under Section 10-508(a)(7) and 10-508(a)(8) respectively of the *State Government Article*, and receive a briefing on the management of the property which is an administrative function outside the purview of the *Open Meetings Act*; and be it further

Resolved, That the Board receive legal advice regarding the litigation pertaining to the William H. Farquhar Middle School and consult with staff on pending litigation, as permitted under Section 10-508(a)(7) and 10-508 (a)(8) of the *State Government Article*; and be it further

Resolved, That the superintendent of schools brief the Board on the strategy for the response to the Maryland Council for Educator Effectiveness, which is an administrative function outside the purview of the *Open Meetings Act*; and be it further

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

Re: **OPEN SESSION**

The Board of Education met in closed session from 9:01 to 10:17 a.m. After a break, the Board of Education reconvened in open session at 10:28 a.m.

To view specific sections or the entire meeting, please watch at <http://www.montgomeryschoolsmd.org/boe/meetings/archive/2013/2013-0108.shtm>

Re: **PLEDGE OF ALLEGIANCE**

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

RESOLUTION NO. 2-13

Re: **APPROVAL OF THE AGENDA**

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 Board of Education approve its agenda for January 8, 2013, and add a new business as Item 2.6.

RESOLUTION NO. 2(a)-13

Re: **AFRICAN AMERICAN HISTORY MONTH**

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

WHEREAS, The theme for this year's African American History Month, as noted by the Association for the Study of African-American Life and History is, "At the Crossroads of Freedom and Equality: The Emancipation Proclamation and the March on Washington," to celebrate their respective 150 and 50 year anniversaries; and

WHEREAS, African Americans have had to overcome misperceptions, myths, and stereotypes to prove their capabilities, including General Daniel "Chappie" James, Jr., who won his wings as a Tuskegee Airman in 1943 and became an outstanding fighter pilot; Marcus Garvey, recognized as a leader on instilling "Black Pride" within the African American community; Langston Hughes, Harlem Renaissance poet who recounted the plight of African Americans as well as having shared aspects of their rich culture; Grace Bumbry, African American opera singer; and Toni Morrison, gifted writer and winner of the Nobel Prize for literature; and

WHEREAS, In 2011, the percentage of AP exams taken by Montgomery County Public Schools' African American students that earned scores of 3 or higher was 46 percent, significantly higher than the percentage for African American public school students in Maryland (28 percent) and the nation (26 percent); and

WHEREAS, A quality education has to begin with instructors who see potential rather than deficits; our society must reinvest in providing an education that allows every child the ability to optimize his/her skills in order to contribute to our society; now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools hereby declare the month of February 2013 to be "African American History Month"; and be it further

Resolved, That the Montgomery County Board of Education and the superintendent of schools encourage the staff, students, parents, and community to actively honor the contributions of African Americans in Montgomery County, the state, and the nation, and enhance the awareness of the impact of attitudes and expectations on the achievement of African American students.

RESOLUTION NO. 2(b)-13

Re: **IN APPRECIATION OF MRS. JO ANN  
"JODY" LELECK**

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

WHEREAS, The Montgomery County Board of Education is saddened by the death on December 11, 2012, of Mrs. Jo Ann "Jody" Leleck, who retired from the Montgomery County Public Schools (MCPS) after twenty-five years in various capacities as a teacher, assistant principal, principal, associate superintendent, and chief academic officer; and

WHEREAS, As a life-long educator, Mrs. Leleck earned a well-deserved reputation as a transformative and inspiring leader with an unrelenting passion for instilling in every child a love for learning and a motivation to excel beyond his or her circumstances; and

WHEREAS, Among Mrs. Leleck's numerous achievements, as principal of Broad Acres Elementary School, she orchestrated the school's remarkable turnaround from one of the lowest performing schools in Maryland to one of the highest, a success story that received nationwide attention and was featured in a Harvard University book, "Leading for Equity: The Pursuit of Excellence in the Montgomery County Public Schools"; and

WHEREAS, Under Mrs. Leleck's leadership, the results at Broad Acres Elementary School were exceptional with student achievement showing steady and sustained progress so much so that in just four years, the students improved their passing rate on state reading tests in Grade 3 from 13 percent to 75 percent. Gains were seen across the board and the school continues to perform well because of the culture of high expectations and success Ms. Leleck instituted at the school; and

WHEREAS, As Montgomery County Public Schools' associate superintendent for curriculum and instructional programs, and as chief academic officer, Mrs. Leleck helped lead reform efforts that increased student achievement across the county by ensuring that the MCPS curriculum prepared students to be creative and critical thinkers and strong problem solvers; now therefore be it

Resolved, That the Board of Education honors the life of Mrs. Jo Ann Leleck for her remarkable dedication to serving the students of Montgomery County, her skill, her passion in advocating for the needs of every child, and her unwavering commitment to service; and be it further

Resolved, That a copy of this resolution be sent to the family of Mrs. Leleck.

RESOLUTION NO. 3-13

Re: **IN APPRECIATION OF MR. JAMES  
ROBINSON**

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

WHEREAS, Mr. James Robinson, who passed away on December 19, 2012, was a dedicated pioneer in the assembling of academic statistics about African American students in Montgomery County Public Schools; and

WHEREAS, Mr. Robinson was appointed to the Montgomery County Public Schools Minority Relations Committee in 1976, and under his leadership, the committee of citizens investigated and compiled information on the progress of African American students and submitted a report to the Board of Education each year with findings and recommendations; and

WHEREAS, In 1977-1978, the Citizens' Advisory Committee on Minority Relations, of which Mr. Robinson was a member, issued a report, *Black Relations Action Steps*, that outlined concerns about academic progress of Black students, including sparse representation in Gifted/Talented or advanced academic classes in MCPS, and noted that Black students were also disproportionately assigned to special education classes and were disproportionately included in the numbers of students in the category of ineligibility; now therefore be it

Resolved, That the Board of Education appreciates and salutes Mr. Robinson for his voluntary, scholarly work which has influenced the progress of African American and Latino students who, because of the efforts of the citizens, staff, and superintendent, are beginning to show progress in closing the gap in academic achievement among all students in MCPS; and be it further

Resolved, That a copy of this resolution be sent to the family of Mr. James Robinson.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Odessa Shannon	Mathematics
2. Arielle Grill	Security System for Schools
3. Ian Brodie	Security System for Schools

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mrs. O'Neill thought safety and security were paramount concerns of the Board. Everyone was shaken to the core by the events in Newtown. One of her earliest memories as a Board member was of Columbine, and, then, there was the D.C. sniper situation in Montgomery County. She and Ms. Brandman attended the MABE Legislative Committee, and there was discussion on the upcoming legislative session and school safety. There is discussion that there may be legislation to establish a school safety center, state standards, and money for school security incorporated in school construction. She was startled to learn that there are no state laws mandating lock down drills. Montgomery County has long practiced that idea. She read an editorial from the *Baltimore Sun*.

[http://articles.baltimoresun.com/2012-12-18/news/bs-ed-educators-20121218\\_1\\_special-education-teacher-public-education-public-employees](http://articles.baltimoresun.com/2012-12-18/news/bs-ed-educators-20121218_1_special-education-teacher-public-education-public-employees)

Mr. Kauffman noted that school security is on the agenda, and he associated himself with Mrs. O'Neill's comments and the editorial.

Mr. Durso added his agreement, and he applauded Mrs. O'Neill for reading the editorial. The speakers during Public Comments have registered important concerns. The Board takes safety and security very seriously. Prior to the holiday break, he visited some

schools and programs in the schools, especially Hubert James Blake High School simulated congressional hearings. The signature coordinator has developed a partnership with Sandy Spring Bank and developed finance education. He visited Greencastle Elementary School and Olney Elementary School to hear about Curriculum 2.0 and school security. Roberto Clemente Middle School hosted an education forum and students prepare discussion items on a variety of topics, such as bullying, start times, online education, school lunch, and school uniforms. Finally, he accompanied the principal from Thomas Edison School for Technology to Meade High School, which has a partnership with Homeland Security. Mr. Durso mentioned an article in the *Washington POST* entitled: Prescription Painkiller Binge. There has been much public comment in the last couple of months bringing the concerns of the community on drug usage. It boils down to who owns the problem; we all share in that ownership. He hoped that MCPS and the community could join forces to review the problem.

Mrs. Smondrowski thanked the speakers and commended them for taking the time for advocacy. Further, she associated herself with the remarks of Mrs. O'Neill. School-based staff has the ability to save every child, every day. She spoke with the leaders of robotics clubs in teaching children to be solid winners and graceful losers. She accompanied the States Attorney at Gaithersburg High School speaking on criminal law to advanced placement classes. She attended the MCEA legislative breakfast, and she spoke with teachers to get their perspectives.

Ms. Brandman associated herself with the comments of her colleagues. The General Assembly will convene tomorrow, and what they do have will have real world impact on the lives of students.

Mr. Mannes associated himself with the remarks of his colleagues. He noted the security measures in MCPS as standard operating procedure. He attended the MCEA legislative breakfast and it was very moving to see the students speak on the impact of General Assembly, such as the Dream Act. He has been attending student meetings and hearing student concerns.

Mr. Barclay commented on the MCEA legislative breakfast. There is a need for MCPS and others to help students and parents understand the Dream Act, such as meeting the requirements. There was a swearing in ceremony for the new officers of the NAACP. Mr. Barclay raised the concern that exists in suspensions and disproportionality. Mr. Barclay is dedicated to a partnership between MCPS and NAACP, as well as all organizations working for positive results for students.

Dr. Starr highlighted the following items:

- Robert Frost Middle School as a Blue Ribbon Award Winner
- New episode of "What's the BIG Idea?"
- Book Club on *How Children Succeed: Grit, Curiosity, and the Hidden Power of Character*
- Community Day events
- Student Town hall meeting at Paint Branch High School

- School safety and security

Re: **SCHOOL SECURITY SYSTEMS**

Dr. Starr commented that on December 17, 2012, a voluntary meeting was held for principals to discuss their security concerns and needs in the aftermath of the Sandy Hook Elementary School tragedy. In addition, a memorandum outlining available resources was distributed to help schools answer questions from students, staff, and parents in response to the tragedy.

MCPS has posted two new videos about our safety and security procedures on the Montgomery County Public Schools website.

- The community video provides an overview of our security protocols and explains the clear language that is used in response to incidents, including lockdown, evacuation, and shelter-in-place.
- The second video is intended to aid elementary school students in understanding the school's emergency procedures and what is expected of them if the plan is activated.

Brochures that describe the three different safety and security levels—Lockdown, Evacuate, and Shelter-in-Place—are available in six languages on the same website that includes the videos. The videos also will be available in additional languages by March 2013.

Staff in the Department of School Safety and Security have visited every school and reviewed emergency procedures with school administration at each school. Scenario-based emergency drills continue to be conducted. Cluster security coordinators and school resource officers participate in as many of these drills as possible.

Staff in the Department of School Safety and Security have been attending Parent Teacher Association meetings to discuss our emergency preparedness plans with parents and listen to concerns and field questions. Comprehensive security assessments are being conducted at all schools. The assessment teams comprise school staff, cluster security coordinators, and maintenance staff. During these school visits, security staff is checking on Access Control Systems and Visitor Management Systems to ensure they are working and being used. Security staff are also conducting ongoing emergency preparedness training for school staff.

RESOLUTION NO. 4-13

Re: **SCHOOL SECURITY SYSTEMS**

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

Resolved, That the Board of Education vote today on the resolution moved today on School Security Systems.

## RESOLUTION NO. 5-13

Re: **SCHOOL SECURITY SYSTEMS**

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

WHEREAS, In 2008, the Board of Education approved a School Securities System Project in the Fiscal Year 2009–2014 Capital Improvements Program; and

WHEREAS, This School Securities System Project included funding to install Access Control Systems in all elementary schools over the six-year period; and

WHEREAS, There is funding in Fiscal Year 2014 to install Access Control Systems in 26 schools, which will complete installation in all elementary schools; and

WHEREAS, There is an interest in moving this Fiscal Year 2014 funding forward so that Access Control Systems installation can be completed by June 30, 2013; now therefore be it

Resolved, That the Board of Education requests the Montgomery County Council move \$364,000 of funding from Fiscal Year 2014 to Fiscal Year 2013 in the School Securities System Project in the Capital Improvements Program to complete installation of Access Control Systems in elementary schools by June 30, 2013; and be it further

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

Re: **UPDATE ON THE IMPLEMENTATION OF  
THE MATHEMATICS COMMON CORE  
STATE STANDARDS**

Dr. Starr invited the following people to the table: Dr. Erick J. Lang, associate superintendent, Office of Curriculum and Instructional Programs; Mr. Martin M. Creel, director, Department of Enriched and Innovative Programs; Ms. Theresa A. Cepaitis, director, Elementary Integrated Curriculum Team; Mr. Edward C. Nolan, supervisor, Mathematics; Dr. Leigh R. Abts, Professor of Education, University of Maryland; Dr. Francis "Skip" Fennell, Professor of Education, McDaniel College; and Dr. Linda Jensen Sheffield, Regents Professor Emerita of Mathematics Education, Northern Kentucky University.

The purpose of this Board item is to inform the Board of upgrades to the mathematics program in Montgomery County Public Schools (MCPS). As you know, changes to our approach have been made pursuant to the findings and recommendations in the K–12 Mathematics Work Group Report (2010) and the alignment of our curriculum with the

Common Core State Standards (CCSS). Additionally, the evolving definition of college and career readiness has influenced changes to the MCPS mathematics program, including the different demands of the 21<sup>st</sup> century workplace and the University System of Maryland decision to require students to complete Algebra 2 and a significant mathematics course in their senior year of high school.

The CCSS demand a higher level of mathematics thinking for all students. Hence, MCPS' mathematics instruction in Curriculum 2.0 expands access to higher-level courses so that the vast majority of students will reach Algebra 1 in Grade 8, with a few completing Algebra 1 by Grade 9 and a few completing the course prior to Grade 8. Students completing Algebra 1 by Grade 8 will have the opportunity to take a college-level math course in high school, and all students will be college and career ready upon graduation.

The design of the MCPS mathematics program is founded on the following precepts:

*Content mastery is not sufficient.* Recalling facts or answers does not adequately prepare students to solve problems and apply what they know. Students will need opportunities to use content knowledge to solve unfamiliar problems and grapple with meaningful questions and issues.

*Instruction needs to engage students in challenging applications of key content knowledge:* Students must actively participate in their own learning. The curriculum must include interesting, relevant, and authentic problems; and investigations, debates, simulations, games, presentations, projects, and other forms of learning that require engagement to help maximize retention of essential processes and concepts.

*Proficiency in a range of academic learning skills and behaviors:* Students must learn how to reflect on and evaluate their own work, work for precision, persist with difficult tasks, apply the belief that effort trumps aptitude, and manage their time.

Convened in January 2009, the K–12 Mathematics Work Group was established to address factors such as the scope of the curriculum, pacing of instruction, professional development, and the emphasis on acceleration. In their report, presented to the Board of Education at the November 9, 2010, Board meeting and posted on the Board meeting calendar page on the MCPS website, work group members made recommendations in five areas—written curriculum, implemented curriculum (instructional practices), assessed curriculum, targets and acceleration, and teacher preparation and development.

During the work group's tenure, Maryland, along with 44 other states and the District of Columbia, adopted CCSS as a means to improve the educational standing of the United States among the highest-performing countries worldwide. CCSS aligned precisely with the work group recommendation for a more focused curriculum that builds strong

foundational skills in the early grades.

Maryland is one of 24 states working as a consortium—Partnership for Assessment of Readiness for College and Careers (PARCC)—to develop CCSS assessments for grades 3 through high school. These assessments will provide students, educators, policymakers, and the public with the tools needed to identify: whether students are on track for postsecondary success; where gaps may exist; and, how they may be addressed well before students enter college or the workforce. The Maryland State Department of Education (MSDE) expects to begin “item tryout” in spring 2013, with field testing in spring 2014, and operational testing in 2014–2015. As we balance the implementation of CCSS with upcoming PARCC assessments and what best matches students’ development in mathematics, we will continue with an approach that is aligned with PARCC and MSDE timelines.

Implications of CCSS adoption include the need to increase teachers’ content knowledge, change instructional practices, design and implement new formative assessments, provide acceleration and intervention, set appropriate targets, and provide comprehensive professional development for employees throughout the system including teachers, administrators, and professional support staff.

The K–12 Mathematics Work Group Report contained several key recommendations that directly influenced curriculum development and its implementation: adopting CCSS; reviewing the impact of CCSS on the MCPS mathematics program and system targets; expanding professional development in mathematics; and eliminating grade-level skipping of mathematics content, while continuing practices that challenge students who consistently demonstrate proficiency.

As the comparison between CCSS and the 2001 MCPS mathematics curriculum was conducted, it became clear that many of the standards in CCSS are more complex and challenging. In addition, content in CCSS is introduced in earlier grades than was introduced in the 2001 MCPS mathematics curriculum. CCSS, like standards in many successful nations around the world, place a greater emphasis on depth of understanding. Both CCSS and the 2001 MCPS mathematics curriculum contain a high level of rigor and coherence, but CCSS have a greater emphasis on deep mathematical understanding, defined as an appropriate balance among conceptual understanding, procedural skill, and problem solving with an emphasis on application and modeling.

CCSS Standards for Mathematical Practice (SMP) describe a variety of competencies that mathematics educators at all levels should seek to develop in their students: make sense of problems and persevere in solving them; reason abstractly and quantitatively; construct viable arguments and critique the reasoning of others; communicate precisely to others; look closely to discern a pattern or structure; notice if calculations are repeated; and use general methods and short cuts appropriately. The SMP are distilled into five intertwined strands referred to as UCARE:

- **Understanding**—comprehending concepts, operation, and relations
- **Computing**—carrying out procedures

- **Applying**—formulating and solving problems
- **Reasoning**—using logic to explain a solution
- **Engaging**—seeing math as useful, sensible, and doable

Previous state mathematics tests may have required that students memorize a problem or procedure and demonstrate their understanding simply by completing the procedure. CCSS assessments will continue to measure procedural understanding, but also will measure problem solving and conceptual understanding. Teachers will assess mathematics understanding using a broad array of interactions with students—conversations, tests, projects, and observations. Students will need to demonstrate their understanding in multiple ways so teachers may determine if they have reached *mathematical proficiency* across all UCARE strands.

Implementation of Curriculum 2.0 content and *mathematical practices* requires that teachers instruct students in ways that move beyond the techniques they experienced in their own education and beyond their current classroom practice. Our implementation of CCSS during the past three years has revealed the following challenges that will need to be addressed as we continue to implement mathematics aligned with CCSS:

- Building the capacity of teachers to develop conceptual understanding in their students across all five areas of mathematical proficiency.
- Building the capacity of instructional leaders, including principals, to promote and monitor strong mathematical teaching practices that encourage deep understanding for all students.
- Communicating with stakeholders, including parents, the reason for this significant shift in mathematics teaching and learning and its benefits for students.
- Communicating with stakeholders, including parents, how the vision for mathematics teaching and learning supports and challenges all students and leads to equity in instruction and student achievement.
- Providing ongoing support and information to schools, offices, and the community to facilitate effective change management during the implementation.
- Monitoring the implementation of CCSS and evaluating the impact on student achievement.

To address these challenges, a variety of communication materials will be available to schools and parents. These multimedia tools will be distributed to schools and posted on the MCPS website. Additionally, enhanced professional development opportunities will be provided for teachers, instructional leaders, and administrators to support the successful implementation of mathematics in Curriculum 2.0.

To address some of the challenges mentioned above and in response to concerns expressed by principals, teachers, and parents, the following additions to the Fiscal Year 2014 Operating Budget have been recommended to support improvements to the MCPS mathematics instructional program:

- **Mathematics Implementation Team:** A team of highly skilled mathematics specialists will work in schools to improve the capacity of teachers to provide mathematics instruction to students of all abilities.
- **Teaching Support for Acceleration:** Ten elementary school teachers will be hired to support, where needed, the provision of accelerated mathematics instruction to students who are ready for advanced work.
- **Professional Development:** Professional development around the implementation of Curriculum 2.0 and CCSS in elementary and secondary schools including increased substitutes.
- **Focus Teachers for Middle Schools:** Thirty middle school focus teachers will work with students struggling in mathematics and reading.

Re: **DISCUSSION**

The Board members had questions regarding the following issues, and staff answers are available through the webcast:

- Mr. Barclay asked if the system had the capacity to teach the teachers since most school systems do not have experts in teaching mathematics. How does the system hire new teachers with this course work?
- Mr. Kauffman noted that the CCSS does not dictate algebra in the 8<sup>th</sup> grade. Is algebra in the 8<sup>th</sup> grade an appropriate assumption for MCPS students?
- Ms. Brandman commented on the change in instruction for CCSS. MCPS will rely less on grade level acceleration because the CCSS curriculum already incorporates accelerated expectations. Does CCSS already encompass an appropriate level/depth of instruction?
- Dr. Docca stated that middle school principals have been looking to hire teachers with a math background. Does CCSS have strategies to reach African-American and Latino students?
- Mrs. Smondrowski noted that the culture of “more is better” and acceleration becomes a status. If there are extremely bright children, is there a national standard for acceleration?
- Mr. Mannes inquired about advanced classes for students who have finished all courses. Will there be a change in the colligate expectations for a STEM career? How does the system educate students who enroll in the system part way through their education? How does the system create that transition, especially with PARCC?
- Mrs. O’Neill thanked the panel for the presentation. She stated that there is variability between schools and classes within MCPS. She was concerned about the enrichment that elementary school students receive since grouping practices are not the same. How does the administration monitor to make sure there is consistency and the students’ needs are met in their school?
- Mrs. Smondrowski reported that she had the opportunity to speak with parents and principals to get their perspective. Staff development has been an issue to make sure there is enough time and resources for implementation. There is a

concern that the materials are available since Curriculum 2.0 is digital. If equipment is lacking in the elementary school, how will teachers obtain the materials?

- Mr. Kauffman noted in the operating budget there was a statement about compacted curriculum and the need for more staffing. How will instruction be delivered if there are only a couple of students identified in a school for the compacted curriculum? What is being offered students in first through third grades: acceleration, enrichment, or grade skipping?
- Mr. Mannes asked for specific examples and metrics for UCARE.
- Mr. Durso stated that he hoped the school system would do everything possible to communicate CCSS to the parents and community. He asked if there are any safeguards to assure that students are placed in appropriate courses and that they are prepared to take those courses.
- Ms. Brandman asked about the sequence of courses before 7<sup>th</sup> grade. What are the alternative courses?

RESOLUTION NO. 6-12

Re: **AMENDMENT TO TODAY'S CLOSED SESSION RESOLUTION**

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

Resolved, That the Board of Education amend its closed session resolution to add:

Resolved, That the Board discuss possible acquisition of real property for a public purpose, as permitted under Section 10-508(a)(3) of the *State Government Article*; and be it further

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

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed from 2:37 to 3:34 p.m. for lunch. After a short break, the Board reconvened in open session at 3:42 p.m.

RESOLUTION NO. 7-13

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

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

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

WHEREAS, Bid 9186101, Asbestos Abatement at Piney Branch Elementary School, is being rejected due to changes in the specifications; now therefore be it

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

09-Misc-10	Standard Elementary School Play Structures—Extension	
	<u>Awardee</u> Playground Specialist, Inc.	\$250,000
1012862	Janitorial Supplies and Equipment—Extension	
	<u>Awardee</u> W. W. Grainger, Inc.	\$250,000
11019	Retail Maintenance, Repair, and Operating Commodities—Extension	
	<u>Awardee</u> Home Depot USA, Inc.	\$150,000
110121	Internet Service Provider—Extension	
	<u>Awardee</u> Atlantech Online, Inc.	\$384,000
280001.1	Furniture, Design—Extension	
	<u>Awardee</u> Douron, Inc.*	\$700,000
CRNO1270	Office and School Supplies Electronic Catalog—Extension	
	<u>Awardee</u> OfficeMax	\$830,000
GSS-11603	Janitorial and Cafeteria Supplies—Extension	
	<u>Awardee</u> Calico Industries, Inc.	\$ 60,000
JMI-601-07	Library Management System—Extension	
	<u>Awardee</u> Follett Software Company	\$ 96,628

4005.7	Woodwind and Brass Instrument Repairs	
	<u>Awardees</u> (See note)	
	L&L Music Windshop, Inc.	
	Guitar Center	
	Washington Music Sales Center, Inc.*	
	Total	\$ 65,000
4012.7	Maintenance Lumber and Related Materials—Extension	
	<u>Awardees</u>	
	84 Lumber Company*	\$13,904
	A&M Supply Corporation	9,866
	GE Frisco Company, Inc.*	11,314
	Liberty Lumber and Supply Company	<u>35,789</u>
	Total	\$70,873
4044.7	Security System Supplies and Equipment—Extension	
	<u>Awardees</u>	
	Alarmax Distributors, Inc.	\$ 70,000
	Allegheny Electronics*	3,000
	Capitol Cable and Technology, Inc.	1,000
	Earth Security Electronics, Inc.	9,000
	Silmar Electronics Corporation*	<u>21,000</u>
	Total	\$104,000
4058.5	Office Furniture—Extension	
	<u>Awardees</u>	
	Douron, Inc.*	\$300,000
	Glover Equipment, Inc.	<u>100,000</u>
	Total	\$400,000
4088.10	Media Center Supplies	
	<u>Awardees</u>	
	Brodart Company	\$ 6,297
	Daboter	21,838
	Demco, Inc.	2,443
	Gaylord Brothers, Inc.	3,319
	James A. Ard/On Time Label	9,850
	Pyramid Paper Company	3,552
	Standard Stationery Supply Company	<u>19,806</u>
	Total	\$ 67,105

4107.3	Fire Alarm Monitoring—Extension	
	<u>Awardee</u>	
	Ark Systems, Inc.	\$ 50,000
4338.1	Consulting Services for 403b Plan	
	<u>Awardee</u>	
	Graystone Consulting	\$ 39,500
7079.5	Paperback and Prebound Paperback Books—Extension	
	<u>Awardees</u>	
	Perfection Learning	\$300,000
	Everbond Book Company	<u>25,000</u>
	Total	\$325,000
9062.9	Fitness and Team Handball Supplies and Equipment—Extension	
	<u>Awardees</u>	
	BSN Sports, Inc.	\$ 14,688
	Cannon Sports, Inc.*	19,711
	Creative Health Products*	2,880
	School Specialty, Inc.	2,438
	Sports Imports, Inc.	12,650
	The Prophet Corporation	<u>1,133</u>
	Total	\$ 53,500
9181.4	Masonry Thru-Wall Flashing and Waterproofing—Extension**	
	<u>Awardees</u>	
	Walker Willis/T/A Custom Masonry	\$750,000
9194.4	Gymnasium Wood Flooring, Sanding, and Refinishing at Various Locations—Extension**	
	<u>Awardee</u>	
	Weyer's Floor Service, Inc.	\$150,000
9300.4	Chain Link Fencing, Gates, and Backstops at Various Locations—Extension**	
	<u>Awardee</u>	
	Hercules Fence Company	\$200,000

9719.1	Emergency Roof Drain Replacement for Montgomery Village Middle School	
	<u>Awardee</u> Interstate Corporation	\$ 72,500
9919.1	HVAC Engineering Support for IAQ Projects at Schools—Extension	
	<u>Awardee</u> Building Dynamics, LLC	\$350,000
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$5,418,106

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

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 8-13                      Re:    **CONTRACT APPROVAL FOR BID NO. 183632, LOCAL TELEPHONE SERVICES—EXTENSION**

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

WHEREAS, Funds have been budgeted for the purchase of local telephone 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:

183632	Local Telephone Services—Extension	
	<u>Awardee</u> Verizon Maryland, Inc.	\$1,930,000

RESOLUTION NO. 9-13                      Re:    **CONTRACT APPROVAL FOR BID NO. 4114.4, CLASSROOM FURNITURE—EXTENSION**

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

WHEREAS, Funds have been budgeted for the purchase of classroom furniture; 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:

4114.4 Classroom Furniture—Extension

Awardees

American Design Associates	\$ 16,000
Douron, Inc.*	1,821,000
Glover Equipment, Inc.	5,000
Maryland Correctional Enterprises	88,000
School Specialty, Inc.	<u>70,000</u>
Total	\$2,000,000

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

RESOLUTION NO. 10-13                      Re:    **CONTRACT APPROVAL FOR BID NO.  
7195.2, COMPUTER SUPPLIES**

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

WHEREAS, Funds have been budgeted for the purchase of new printer cartridges and toner; 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:

7195.2 Computer Supplies

Awardee

Adorama, Inc.	\$ 109,445
Carolina Imaging Products*	20,050
CVR Computer Supplies, Inc.	111,484
HCGI Hartford	63,981
Rasix Computer Center, Inc.*	642,564
Tree House, Inc.*	<u>110,738</u>
Total	\$1,058,262

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

RESOLUTION NO. 11-13                      Re:    **CONTRACT APPROVAL FOR BID NO.  
9053.4, PLAYGROUND SYSTEMS AND  
INDIVIDUAL PIECES—EXTENSION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by

Ms. Brandman, the following resolution was adopted unanimously:#

WHEREAS, Funds have been budgeted for the purchase of playground systems and individual pieces; now therefore be it

Resolved, That having been duly advertised, the following contract has been awarded to preapproved suppliers meeting specifications as shown below:

9053.4      Playground Systems and Individual Pieces—Extension\*\*

Awardees (See note below)

Playground Specialists, Inc.

Southern Playground

West Recreation, Inc.

Total

\$1,055,000

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 12-13

Re: **ARCHITECTURAL APPOINTMENT—  
DOWNCOUNTY CONSORTIUM  
ELEMENTARY SCHOOL COMPREHENSIVE  
CAPACITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to perform a feasibility study for the Downcounty Consortium Elementary School Comprehensive Capacity Study Project; and

WHEREAS, Funds for conducting feasibility studies were programmed as part of the Fiscal Year 2013 Capital Budget; and

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

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of The Lukmire Partnership, Inc. to provide feasibility study services for the Downcounty Consortium Elementary School Comprehensive Capacity Study Project for a fee of \$85,000.

RESOLUTION NO. 13-13

Re: **AWARD OF CONTRACTS—BEL PRE  
ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, On August 26, 2010, the Board of Education authorized staff in the Department of Facilities Management to utilize a construction management process for the Bel Pre Elementary School modernization project and awarded a contract for preconstruction services to Lend Lease, Inc.; and

WHEREAS, The following low bids were received on December 11, 2012, and December 18, 2012, for the Bel Pre Elementary School Modernization Project:

<u>Low Bidders</u>	<u>Amounts</u>
2A—Site Work—Urban N. Zink Contracting, Inc.	\$2,952,168
3A—Concrete—Dance Brothers, Inc.	707,600

4A–Masonry—George Moehrle Masonry, Inc.	2,656,600
5A–Metals—S.A. Halac Iron Works, Inc.	2,092,300
6A–General Construction—Keller Brothers, Inc.	1,054,000
7A–Roofing—R.D. Bean, Inc.	1,407,255
8A–Windows and Glazing—Spear Window & Glass Inc.	889,153
9A–Drywall Acoustical—Can-Am Contractors, Inc.	463,150
12A–Casework—Paragon Casework, Inc.	484,000
13A–Fire Suppression System—Capitol Sprinkler Contracting, Inc.	210,000
15A–PHVAC—Towson Mechanical, Inc.	3,489,000
15B–Geothermal—Chesapeake Geosystems, Inc.	618,000
16A–Electrical—Altimate Electric, Inc.	1,975,000

and

WHEREAS, On December 11, 2012, Lend Lease, Inc. received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Bids were received as alternates for the inclusion of Montgomery County Department of Health and Human Services program space as part of the modernization project to be funded by the Montgomery County Department of Health and Human Services; and

WHEREAS, Montgomery County Public Schools is the Montgomery County Department of Health and Human Services' representative for its portion of the project, and the Department of Facilities Management will administer its portion of the project; and

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

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Lend Lease, Inc. as part of a guaranteed price agreement to complete the Bel Pre Elementary School Modernization Project; and

WHEREAS, Staff in the Department of Facilities Management has negotiated and recommends approval of a guaranteed price contract with Lend Lease, Inc. for the completion of the Bel Pre Elementary School Modernization Project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Lend Lease, Inc. has agreed to accept the assignment of the Bel Pre Elementary School trade contracts awarded on January 8, 2013, and complete the project for the guaranteed price; and

WHEREAS, The aggregate goal for Maryland Department of Transportation-certified

Minority Business Enterprise participation established for this project was 14 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 15.1 percent Maryland Department of Transportation-certified, of which 4.1 percent is African American-owned, 6.9 percent is women-owned, and 4.1 percent is other minority-owned; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of the Bel Pre Elementary School Modernization Project:

<u>Low Bidders</u>	<u>Amounts</u>
2A–Site Work—Urban N. Zink Contracting, Inc.	\$ 2,952,168
3A–Concrete—Dance Brothers, Inc.	707,600
4A–Masonry—George Moehrle Masonry, Inc.	2,656,600
5A–Metals—S.A. Halac Iron Works, Inc.	2,092,300
6A–General Construction—Keller Brothers, Inc.	1,054,000
7A–Roofing—R.D. Bean, Inc.	1,407,255
8A–Windows and Glazing—Spear Window & Glass Inc.	889,153
9A–Drywall Acoustical—Can-Am Contractors, Inc.	463,150
12A–Casework—Paragon Casework, Inc.	484,000
13A–Fire Suppression System— Capitol Sprinkler Contracting, Inc.	210,000
15A–PHVAC—Towson Mechanical, Inc.	3,489,000
15B–Geothermal—Chesapeake Geosystems, Inc.	618,000
16A–Electrical—Altimate Electric, Inc.	1,975,000

and be it further

Resolved, That the trade contracts awarded for the Bel Pre Elementary School Modernization Project be assigned to Lend Lease, Inc.; and be it further

Resolved, That a contract in the amount of \$23,884,182, to include the assignment of the trade contract awards, be awarded to Lend Lease, Inc. for the Bel Pre Elementary School Modernization Project, in accordance with drawings and specifications prepared by Grimm + Parker Architects; and be it further

Resolved, That a copy of the contract be forwarded to the Montgomery County Department of Health and Human Services for approval and funding for its portion of the project.

RESOLUTION NO. 14-13

Re: **DAMASCUS HIGH SCHOOL—REQUEST  
FOR SCHOOL BOOSTER CLUB TO FUND  
AN UPGRADED SCOREBOARD—POLICY  
CNE**

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

WHEREAS, On October 17, 2012, the Damascus High School Booster Club submitted a request to fund an upgraded stadium scoreboard at Damascus High School; and

WHEREAS, The cost of the project is estimated to be approximately \$110,000—including engineering, scoreboard installation, and associated wiring; and

WHEREAS, Staff in the Department of Facilities Management has reviewed this request for compliance with Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*, and finds that it complies with the criteria for acceptable contributions established in the policy; and

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

Resolved, That the Montgomery County Board of Education approves the request of the Damascus High School Booster Club to fund an upgraded stadium scoreboard; and be it further

Resolved, That the Board of Education request a Fiscal Year 2013 supplemental appropriation and amendment to the Fiscal Year 2013–2018 Capital Improvements Program in the amount of \$110,000 to fund the upgraded scoreboard; and be it further

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

RESOLUTION NO. 15-13

Re: **TILDEN MIDDLE SCHOOL—REQUEST FOR SCHOOL FOUNDATION TO RAISE FUNDS FOR VARIOUS FACILITY IMPROVEMENTS — POLICY CNE**

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

WHEREAS, Tilden Middle School is on the current modernization schedule, to be completed by August 2019; and

WHEREAS, The Tilden Middle School Education Foundation, Inc. has requested permission to raise funds for various facility improvements to be incorporated in the Tilden Middle School modernization project; and

WHEREAS, This request is in compliance with the requirements of 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 Tilden Middle School Education Foundation, Inc. to raise funds for various facility improvements during the Tilden Middle School Modernization Project.

RESOLUTION NO. 16-13                      Re:    **UTILIZATION OF THE FISCAL YEAR 2013  
PROVISION FOR FUTURE SUPPORTED  
PROJECTS**

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

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. 17-444, approved May 24, 2012; 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 2013 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 \$195,256 within the Fiscal Year 2013 Provision for Future Supported Projects, specified as follows:

<b>Project</b>	<b>Amount</b>
Head Start Extended Year Program	\$ 101,256
Korean Language and Culture Summer Program	<u>94,000</u>
Total	\$ 195,256

and be it further

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

RESOLUTION NO. 17-13

Re: **AMENDMENTS TO THE MONTGOMERY COUNTY PUBLIC SCHOOLS TAX-SHELTERED SAVINGS PLAN AND DEFERRED COMPENSATION PLAN**

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

WHEREAS, Section 10.2 of the Tax-Sheltered Savings Plan and Section 8.1 of the Deferred Compensation Plan provide that the Board of Education may amend these plans at any time; and

WHEREAS, The Board of Education wishes to amend the Montgomery County Public Schools Tax-Sheltered Savings Plan and Deferred Compensation Plan to permit the election of a participant or beneficiary who would have been required to take a required minimum distribution to elect the suspension of required minimum distributions during 2009; now therefore be it

Resolved, That the Board of Education hereby adopts Amendment No. 2 to the Montgomery County Public Schools Tax-Sheltered Savings Plan and Amendment No. 2 to the Montgomery County Public Schools Deferred Compensation Plan, in substantially the forms attached hereto and authorizes the president of the Board of Education and the superintendent of schools to take such further actions and execute such documents as may be necessary or advisable to affect this resolution.

RESOLUTION NO. 18-13

Re: **NON-SUBSTANTIVE CHANGE ON POLICY BLB, RULES OF PROCEDURE IN APPEALS AND HEARINGS**

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

WHEREAS, Policy BLB, *Rules of Procedure in Appeals and Hearings*, has been updated to conform with current statutes, style, and current practice; and

WHEREAS, The Montgomery County Board of Education has received the Montgomery County Board of Education Policy Committee's recommendation; now therefore be it

Resolved, That the Montgomery County Board of Education approve nonsubstantive changes to Policy BLB, *Rules of Procedure in Appeals and Hearings*.

## **Rules of Procedure in Appeals and Hearings**

### **A. PURPOSE**

To provide Rules of Procedure adopted pursuant to the authority of the

Education Article, The *Annotated Code of Maryland*, Section 6-203, which governs all appeals to the Board of Education (Board) and all hearings before the Board requested on a recommendation by the superintendent of schools to the Board or a final decision of the superintendent of schools which is contested by persons who are adversely affected, unless other procedures are specifically required by statute or bylaws of the State Board of Education or policies/regulations of Montgomery County Public Schools (MCPS), such as those applicable to special education and student transfer appeals

## **B. PROCESS AND CONTENT**

### 1. Applicability

- a) These rules govern appeals and hearings within the quasi-judicial responsibilities of the Board. They are not applicable to proceedings involving the Board's exercise of its legislative or policy-making function.
- b) Proceedings covered by these rules arise under the Education Article, Sections 7-305, 6-202 and 4-205(c) and local board proceedings permitted under the Education Article.
- c)
  - (1) Hearings under Section 6-202(a) are on recommendations of the superintendent of schools to suspend or dismiss certified personnel. (Section 6-201(b)(iv)).
  - (2) Appeal hearings under Section 7-305(c) are from a finding by the superintendent of schools that suspension of a student for more than 10 days or expulsion of a student is warranted.
  - (3) Proceedings under Section 4-205(c) are on appeals from decisions of the superintendent of schools on controversies and disputes involving the rules and regulations of the Board or the proper administration of the county public school system.
  - (4) Hearings under Section 6-203 are those under Sections 4-205(c) and 6-202 which are referred by the Board for an initial hearing by a hearing examiner.

### 2. Definitions

- a) *Filed or filing* as used in these rules means received by the Board.
- b) *Written notice* under these rules shall be complete upon actual

delivery or upon deposit of said notice in the United States mail, stamped and addressed to the addressee at the mailing address provided or appearing on the records of MCPS.

- c) *Party or parties* include each person, group, or entity named or admitted as a party, including a student, a parent, parent surrogate, or guardian of a student, and shall include the superintendent of schools. The presiding officer may permit any other person, group, or entity to participate for limited purposes upon satisfactory demonstration of the nature and extent of its interest.
- d) *Presiding officer* means the hearing examiner in hearings before the hearing examiner. In hearings before the Board, the presiding officer means the president; or in the president's absence, the vice president; or in the absence of both, a member designated by the president, or, in the absence of such designation, by the Board.
- e) *Board* means the Board of Education of Montgomery County.

### 3. Initiation of Appeals or Requests for Hearings

- a) All appeals to the Board shall be from a final action or decision of the superintendent of schools or the superintendent of schools' designated representative which adversely affects the person or persons who are appealing. For purposes of this paragraph, the failure of the superintendent of schools or the person designated to act upon an appeal within 60 days may, at the option of the appellant, be deemed a denial by the superintendent of schools for purposes of appeal to the Board.
- b) All requests to the Board for hearing under Section 6-202(a) shall be from a recommendation of the superintendent of schools to the Board for suspension or dismissal of a teacher, principal, associate superintendent, or other professional employee who requests the hearing.
- c) (1) Each appeal to the Board under Section 4-205(c) shall be initiated by filing a written notice of appeal with the Board within 30 days after written notice of the superintendent of schools' final action or decision has been given to the person or persons affected or, where written notice is not reasonable, by publication or other communication reasonably designed to be available to persons adversely affected.

- (2) Each request for a hearing under Section 6-202(a) (as to recommendation for professional employee suspension or dismissal) shall be initiated by filing a written request for hearing with the Board within 10 days after the Board has sent the individual a copy of the charges against him/her and has given the individual written notice of the superintendent of schools' recommendation and the meeting (which shall be more than 10 days after the written notice) at which the recommendation will be considered by the Board if no hearing. Such notice shall advise the individual of the right to request a hearing before the Board.
  - (3) Each appeal under Section 7-305 (c), student suspension for more than 10 days or expulsion, shall be made by filing a notice of appeal with the Board within 10 days after written notice of the determination by the superintendent of schools or the superintendent of schools' designated representative to the student or the parent or guardian. Such notice shall advise the student or the parent or guardian of the right to appeal to the Board.
- d) With the notice of appeal or request for hearing, except for matters arising under Section 6-202(a), or in any event within 10 days after the notice of appeal or request for hearing has been filed, the person or persons filing the appeal or request for hearing must file with the Board, with a copy to the superintendent of schools, the following:
- (1) A concise statement of the issues presented by the appeal or the request for hearing for decision by the Board
  - (2) A concise statement of the facts on which the person or persons taking the appeal or requesting the hearing relies to support their position
  - (3) A statement by the person or persons taking the appeal or requesting the hearing that they agree or disagree with the findings of fact set forth by the superintendent of schools; and, if the person or persons taking the appeal or requesting the hearing disagree only in part with the findings of fact set forth by the superintendent of schools, a statement of the facts with which such person or persons disagree
  - (4) A copy of all documents upon which the person or persons appealing or requesting a hearing relies or believes is relevant

- e) In appeals arising under Section 4-205(c), within 10 days after the submission of the information and documentation required by subsection (d), the superintendent of schools may submit additional information or documentation in support of the decision which is the subject of the appeal and shall provide a copy to the appealing party. Within 5 days after the submission by the superintendent of schools, the appealing party may submit additional documentation in response to that submitted by the superintendent of schools and shall provide a copy to the superintendent of schools. If either party believes that oral argument or an evidentiary hearing, or both, is necessary to a decision of the appeal, such party shall include in the submission made under subsection (d) a concise statement of the reasons therefore, specifically addressing the factors set forth in section 3.i) hereof.
- f) If an appeal or request for hearing is not filed within the period set forth in subparagraph (c), or if the statements required are not filed within the period set forth in subparagraph (d), such failure shall constitute sufficient grounds for the Board to dismiss an appeal or request for hearing.
- g) The Board reserves the right on its own motion to take any action it deems appropriate, in the manner and to the extent permitted by law, on recommendations of the superintendent of schools under section 6-202(a), even if no formal request for hearing is before it as a matter of right.
- h) In those circumstances where a negotiated employee agreement precludes appeal to the Board (e.g., those disputes or claims committed to arbitration pursuant to the Grievance Procedure established under agreements between the Board and the Montgomery County Education Association and between the Board and the Service Employees International Union (SEIU), Local 500 and between the Board and the Montgomery County Association of Administrators and Principals MCAAP), the Board shall not hear appeals involving such disputes or claims unless both parties to the employee agreement and the grievant all agree in advance and in writing or on the record that the Board may hear the dispute or claim.
- i) (1) Appeals filed under Section 4-205(c) will be considered by the Board based on documents and arguments submitted in writing by the parties. The Board may grant a request by either party or the Board may direct:
  - (a) That oral Argument on the issues be presented, or

(b) That a hearing be conducted in accordance with Section 5 of these rules. In determining whether to grant a request for oral argument or formal hearing, the Board may consider:

- (i) Whether the issues involved are of constitutional or significant public importance
- (ii) Whether resolution of the issues raised is likely to have significant value as precedent in the administration of the school system
- (iii) Whether the issue or issues raised require determination of some substantial employee right which cannot be satisfactorily adjudicated otherwise within existing appeal procedures
- (iv) Other appropriate factors as determined by the Board

(2) In addition, the Board may request of either party that additional information or documentation be submitted.

#### 4. Referrals to Hearing Examiner

The hearing examiner shall be an attorney admitted to practice before the Maryland Court of Appeals.

a) All requests for hearings under Section 6-202(a) (professional employee suspension or dismissal) will be referred to a hearing examiner, unless the Board in its sole discretion determines that it should hear a matter in the first instance. Among the factors which the Board may consider in determining if it wishes to hear such a matter in the first instance are:

- (1) Whether there do not appear to be facts in dispute or whether it appears that the facts in dispute can be heard by the Board without a lengthy evidentiary hearing
- (2) Whether there is an overriding need for prompt resolution of the matter, and/or
- (3) Whether the matter is of such public importance, of such importance to proper administration of the school system, or of such sensitive nature that the Board concludes it should hear the evidence

- b) All appeals under Section 4-205(c) shall be considered and decided by the Board on the basis of the information and documentation submitted pursuant to Section 4d) and 4e) hereof. In those instances in which the Board determines that an evidentiary hearing is necessary, the Board shall conduct such hearing, unless the Board determines in its sole discretion to refer the matter to a hearing examiner. Among the factors which the Board may consider in determining whether to refer such a matter to a hearing in the first instance are:
  - (1) Whether it appears that there are facts in dispute which are likely to require a lengthy evidentiary hearing, and/or
  - (2) Whether it appears there is an extensive record, substantial documentation, or additional information which the Board feels should be evaluated by a hearing examiner before the matter is submitted to the Board for its decision
- c) Each appeal and request for hearing under Section 7-305 (c) involving the expulsion of a student or the suspension of a student for more than 10 school days shall be heard by the Board or referred to a hearing examiner for hearing.

## 5. Hearings

### a) Applicability

The provisions of this part apply to hearing before a hearing examiner and both evidentiary hearings and oral arguments before the Board unless otherwise indicated.

### b) Notice

- (1) Written notice of hearings shall be given by Board, or its designee, to all interested parties not less than twenty (20) days prior to the hearing.
- (2) Such notice shall also state the date, time, and place of the hearing. Any disagreement concerning the charges, issues, or facts shall be resolved as part of the disposition of the appeal.

### c) Public and Private Hearings

- (1) Hearings pursuant to Section 6-202(a) will not be public unless both the party seeking the hearing and the superintendent of

schools agree in advance and in writing or on the record that the hearing be public.

- (2) Hearings pursuant to Section 7-305(c) will not be public unless a public hearing is requested by the person appealing or seeking the hearing.
- (3) All other hearings will be public unless for good cause shown by a party or on its own motion, the Board agrees not to hear a matter in public hearing when the matter is one as to which a public hearing is not required by law.

d) Representation

All parties appearing at hearings under these rules shall have the right to appear in person or with a representative of their choice. All parties shall have the right to be accompanied, represented, and advised by counsel.

e) Records – Transcript

- (1) The presiding officer shall prepare or cause to be prepared official records, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceedings.
- (2) An accurate record of all hearings, disputes, or controversies shall be kept by the superintendent of schools in order that, if an appeal is taken, the record shall be submitted.
- (3) Unless waived by all the parties, a stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the Board. The record need not be transcribed, however, unless requested by a party to the controversy, the local superintendent of schools, the local board, the state superintendent, or the state board, as the case may be. The cost of any typewritten transcript of any proceedings, or a part of any proceedings, shall be paid by the party requesting it.

f) Duties and Authority of Presiding Officer

The presiding officer shall have charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be

administered to all witnesses testifying in a proceeding. The superintendent of schools may administer oaths to witnesses (Section 4-205(b)).

g) Quorum

Each hearing before the Board shall be held before not less than a quorum of the Board.

h) Order of Procedure

The order in which the parties shall present their case shall be determined by the presiding officer, except as follows:

(1) In a hearing on a student suspension or expulsion or the suspension or dismissal of a professional employee, the superintendent of schools shall proceed first and carry the burden of persuasion

(2) In all other appeals, the appellant shall proceed first

i) Examination of Witnesses and Introduction of Evidence

(1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The presiding officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers and stipulations in place of cumulative evidence. All testimony shall be given under oath.

(2) A party, or where a party is represented by counsel or other representative, such counsel or other representative may submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.

(3) The superintendent of schools may appear in person or through counsel or a designated representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and

file exceptions and motions.

- (4) The presiding officer may examine all witnesses. The presiding officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

j) Written Memoranda

Each party and the superintendent of schools may submit written memoranda on the issues of fact and law involved in the hearing in such form as the presiding officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of presiding officer and on such schedule as the presiding officer may designate, written memoranda may be submitted after a hearing.

k) Counsel for the Board

The presiding officer of the Board may request the Board's attorney to participate in any hearings as counsel for the Board.

l) Findings of the Hearing Examiner

In all matters heard initially by a hearing examiner, the hearing examiner shall make findings of fact, conclusions of law, and recommendations. The hearing examiner shall submit a transcript of the proceedings, exhibits, findings of facts, conclusions of law, and recommendations to the Board. The hearing examiner shall distribute or mail to all parties and the Board the findings of fact, conclusions of law, and recommendations not more than fifteen (15) days after completion of the hearing and receipt of the transcript. If the hearing examiner has provided for oral argument or for the submission of written memoranda after a hearing, the 15 day period shall not commence until after such oral argument or submission of written memoranda, whichever is later.

m) Oral Argument

- (1) Parties to proceedings before a hearing examiner may make oral arguments before the Board at the Board's hearing on the recommendations of the hearing examiner, but additional evidence shall not be introduced before the Board unless the Board in its sole discretion agrees to hear additional evidence for good cause shown.

- (2) Parties to appeals and hearings before the Board where no facts are in dispute may make oral arguments to the Board.
- (3) Parties to proceedings before a hearing examiner and to evidentiary hearings before the Board may make oral argument to the hearing examiner or the Board. The presiding officer may permit oral arguments at such times during or after an evidentiary hearing, after the submission of written memoranda, or after a transcript becomes available as the presiding officer considers appropriate in a particular case.
- (4) The presiding officer may limit, in advance, the time allowed for oral argument by each party. Oral argument by each party before the  
  
Board shall not exceed 30 minutes, unless the presiding officer shall allow additional time for good cause shown.
- (5) The Board's attorney shall be notified and requested to be present when oral arguments are heard by the Board.

n) Decision and Order

Each decision and order of the Board shall be delivered in writing, unless it shall immediately follow the hearing, in which case it shall be delivered orally and thereafter in writing, with copies to all parties. Each written decision and order shall be accompanied by written findings of fact, conclusions of law, and a specific description of the disposition of the case. Final action of the Board shall be taken publicly at a Board meeting following the hearing.

o) Ex Parte Communications

While a matter is under consideration by a hearing examiner or by the Board after a hearing or by the Board in no hearing has been requested, neither the hearing examiner as to any matters pending before the Board shall receive communications from or communicate orally with any party outside the presence of all other parties or in writing without supplying copies to all other parties and providing an opportunity for response. No information concerning a pending matter may be released by the Board, a Board member, a hearing examiner, or a member of the MCPS administration unless it is a matter of public record or unless it is released to a party and copies supplied simultaneously to all other parties.

p) Rehearings

- (1) A party aggrieved by the decision and order rendered in the particular case may apply for rehearing within 30 days after the date of the decision and order. An application for rehearing shall state with specificity the reasons therefore, and action on any application shall lie in the sole discretion of the Board.
- (2) Unless otherwise ordered, neither the rehearing nor the application for a rehearing shall stay the enforcement of the order or excuse the persons affected by it for failure to comply with its terms.
- (3) The Board, on rehearing, may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may by new order abrogate, change, or modify its original order.

q) Effect on Other Procedural Regulations

These rules of procedure supersede all other procedures which may have been adopted by the Board governing hearings by a hearing examiner and by the Board in contested matters appealed to the Board or as to which hearings by the Board have been requested on recommendations of the superintendent of schools.

6. Time and Notice Requirements

a) Computation of Time

In computing any period of time prescribed by these rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not to be included. Saturdays, Sundays, and legal holidays shall be counted. When the last day so computed would fall on a Saturday, Sunday, or legal holiday, the period shall extend to the first day thereafter not one of these days. For filing of documents with the Board, if the office of the Board is not open during its regular hours on the last day of the period, the documents shall be filed on the next day thereafter when the office of the Board is so open.

b) Extension and Shortening of Time

For good cause, the Board, upon its own motion or at the request of either party, may at any time shorten or extend the time

provided under these rules for filing any document or providing any notice except in those instances where the time is specified by state law.

### C. REVIEW AND REPORTING

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

RESOLUTION NO. 19-13

Re: **DELEGATION OF AUTHORITY—  
ADMINISTRATION OF BEFORE- AND  
AFTER-SCHOOL CHILD CARE PROGRAMS**

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

WHEREAS, The Circuit Court for Montgomery County recently ruled that the process governing the administration of before- and after-school child care should be adopted by regulation approved by the County Council rather than simply by a resolution adopted by the Interagency Coordinating Board; and

WHEREAS, It is in the Board of Education's interest to have the Interagency Coordinating Board and Community Use of Public Facilities continue to administer the before- and-after school child-care program, as it does for other non-school use of school facilities; and

WHEREAS, An explicit delegation of authority by the Board of Education to the Interagency Coordinating Board and Community Use of Public Facilities to administer the before- and after-school child-care program in Montgomery County Public Schools is advisable; and

WHEREAS, Regulations approved by the Board of Education and the County Council also are needed to govern the selection of before- and after-school child-care service providers and administration of the before- and after-school child-care program in Montgomery County Public Schools by the Interagency Coordinating Board and Community Use of Public Facilities; now therefore be it

Resolved, That the Board of Education delegates authority to the Interagency Coordinating Board and Community Use of Public Facilities to administer the before- and after-school child-care program in Montgomery County Public Schools, including the selection and scheduling processes; and be it further

Resolved, That the Board of Education also understands that the Interagency Coordinating Board will submit draft regulations to the Board of Education for its approval.

RESOLUTION NO. 20-13

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 the members of the Board of Education and the superintendent of schools express their condolences to the family of the deceased employee; and be it further

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

RESOLUTION NO. 21-13

Re: **DEATH OF MS. CHERYL ELLIOTT,  
PAPAEDUCATOR, SPECIAL EDUCATION**

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

WHEREAS, The death on November 21, 2012, of Mr. Cheryl Elliott, paraeducator, special education, on personal illness leave from Beverly Farms Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During her 13.2 years with Montgomery County Public Schools, Ms. Elliott was a very responsible and reliable team member with a compassionate and helpful nature; and

WHEREAS, Ms. Elliott was a loyal individual and met each request with dedication and a sense of purpose; 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. Cheryl Elliott 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. Elliott's family.

## RESOLUTION NO. 22-13

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 February 1, 2013:

**Katherine (Diane) D. Smith**, currently principal, Farmland Elementary School, as coordinator, Department of Recruitment and Staffing, Office of Human Resources and Development

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, stated that this financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of November 30, 2012, and projections through June 30, 2013, based on program requirements and estimates made by primary and secondary account managers. At this time, revenues have a projected surplus of \$2.5 million, and expenses have a projected surplus of \$13.2 million.

Due to Fiscal Year (FY) 2011 comprehensive expenditure restrictions, MCPS ended the year with an expenditure surplus. The FY 2012 Operating Budget included a fund balance of \$17.0 million of the total savings as a source of appropriation, leaving a fund balance of \$11.9 million. This balance, together with the FY 2012 expenditure and revenue surplus of \$28.6 million, equals \$40.5 million that will be available to fund future operating budgets. The County Council used \$17.0 million of the fund balance as a source of revenue for the FY 2013 Operating Budget, leaving an available balance of \$23.5 million. My expectation is that the available fund balance will be used for appropriation over several years to avoid any sudden increase in the need for local contribution to replace fund balance as a revenue source.

Staff will continue to closely monitor both revenues and expenditures. A discussion of the actual financial condition of MCPS as of November 30, 2012, and projected revenues and expenditures through June 30, 2013,

Re: **IMPLEMENTATION OF FEDERAL AND MARYLAND LAWS AND REGULATIONS**

The purpose of this Board discussion is to provide an opportunity for the superintendent of schools and the Board to consider the Teacher and Principal Evaluation (TPE) requirements and the School Progress Index (SPI), as well as any other federal or state requirements that may impact Montgomery County Public Schools (MCPS) during the next 12 to 18 months.

On December 21, 2012, on behalf of the Montgomery County Board of Education, the

Montgomery County Education Association, and the Montgomery County Association of Administrators and Principals, the superintendent submitted TPE plans to the Maryland State Department of Education (MSDE) that are in compliance with the requirements of the *Education Reform Act of 2010* and the Code of Maryland Regulations (COMAR) 13.A.07.09. The parties collaborated to revise and align the Professional Growth Systems with the required statutory and regulatory elements.

Re: **DISCUSSION**

Dr. Starr outlined the NCLB waiver and ESEA reauthorization. Under the SPI, there are no interventions or consequences of what to do since MCPS is already analyzing the data using the advanced data. MCPS is looking at achievement gaps at the advanced performance level as the best way to anticipate the PARCC assessment.

Regarding Educator Effectiveness, Dr. Starr reported that the MCPS Professional Growth System was presented to the MSDE to meet the December 26, 2012, deadline. Requirements that need to be addressed are student growth measures must be a significant factor in the evaluation; three-tiered evaluation; a three-year evaluation cycle addressing professional practices which include planning, preparation, class room environment, instruction and professional responsibility, and address professional practices for principals including eight outcomes in the Maryland Instructional Framework.

RESOLUTION NO. 23-13

Re: **FUTURE CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Kauffman seconded by Dr. Docca, 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 Tuesday, February 12, 2013, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 9:00 to approximately 10:00 a.m. and 1:30 to approximately 2:30 p.m.; and be it further

Resolved, That the Board of Education anticipates that the closed session will include a discussion of personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; the review and adjudication of appeals in its quasi-judicial capacity; consultation with counsel to obtain legal advice on those appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*; a discussion of matters constituting an administrative function outside the purview of the *Open Meetings Act* (Section 10-502(b) of the *State Government Article*); and the Board will publish a more detailed Resolution for Closed

Session when particular topics for discussion are identified; and be it further

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

RESOLUTION NO. 24-13                      Re:    **REPORT OF PREVIOUS CLOSED SESSION**

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

On December 11, 2012, 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* Section 10-508(a), et seq., of the *Annotated Code of Maryland*.

The Board of Education of Montgomery County met in closed session on December 11, 2012, from 8:32 to 10:02 a.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Reviewed and received legal advice on the Decision and Order in Appeal 2012-29, as permitted under Section 10-508(a)(7) of the *State Government Article* and in its quasi-judicial capacity outside the purview of the *Open Meetings Act*.
2. Received legal advice and considered the following appeals involving student expulsions: 2012-33 and 2012-36, as permitted under Section 10-508(a)(7) of the *State Government Article* and in its quasi-judicial capacity outside the purview of the *Open Meetings Act*.
3. Received a briefing by the superintendent of schools on the Monthly Human Resources and Development Report and an individual candidate for appointment as supervisor, PreK-12 Health and Physical Education, Department of Curriculum and Instruction, with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Received a briefing by staff and discussed ongoing collective bargaining negotiations and matters that relate to the negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article*.
5. Received a briefing from the superintendent of schools on strategies on the response to the Maryland Council for Educator Effectiveness regarding changes to the Professional Growth System, which is an administrative function outside the purview of the *Open Meetings Act*.
6. Received legal advice on pending litigation in the Circuit Court on Brickyard and the Maravell Petition and William H. Farquhar Middle School, as permitted under Section 10-508(a)(7) of the *State Government Article*.
7. Received legal advice and briefing on the potential filing of a Request for a Declaratory Ruling with the Maryland State Board of Education, as permitted under Section 10-508(a)(7) of the *State Government Article*.
8. Discussed matters of an administrative function (appointments to Board committees), which are outside the purview of the *Open Meetings Act*.

In attendance at the 8:32 a.m. closed session were Chris Barclay, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, John Mannes, Patricia O'Neill, Rebecca Smondrowski, Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, and Patrick Clancy. At 8:36 a.m., the following staff and counsel joined the Board: Larry Bowers, Judy Bresler, Robin Confino, Brian Edwards, Chris Richardson, Beth Schiavino-Narvaez, Joshua Starr, Kimberly Statham, and Kimberly Years. At 9:32 a.m., Judy Bresler and Patrick Clancy left the meeting. At 9:53 a.m., Stan Damas joined the Board and staff.

RESOLUTION NO. 25-13                      Re:    **APPEALS**

On recommendation of the superintendent and on motion of Mr. Kauffman 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>
2012-19	Student Placement	Affirmed
2012-34	Student Placement	Affirmed
2012-35	Grade Placement	Affirmed

Re    **BOARD COMMITTEE UPDATES (IF NEEDED)**

There were none.

Re:    **NEW BUSINESS**

There was no new business.

Re:    **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 26-13

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of January 8, 2013, at 4:53 p.m.

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 PRESIDENT

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 SECRETARY

JPS:gr

Resolution	Barclay	Brandman	Docca	Durso	Kauffman	Mannes	O'Neill	Smondrowski
School Security Systems	A	A	A	A	A	A	A	A
Policy BLB	A	A	A	A	A	A	A	A
Delegation of Authority	A	A	A	A	A	A	A	A

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