

APPROVED
10-2013

Rockville, Maryland
March 12, 2013

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on March 12, 2013, beginning at 9:00 a.m.

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

Absent: Ms. Shirley Brandman

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. 110-13 Re: **RESOLUTION FOR CLOSED SESSION**

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

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 March 12, 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 12:15 to approximately 1:15 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 Board receive legal advice and discuss 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 be it further

Resolved, That the superintendent of schools brief the Board on the Human Resources and Development Report, 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 meeting continue in closed session until the completion of business.

Re: **OPEN SESSION**

The Board of Education met in closed session from 9:05 to 9:48 a.m. Dr. Starr announced that the meeting would start late due to a medical emergency. The Board of Education reconvened in open session at 10:08 a.m.

To view specific sections or the entire meeting, please watch at <http://www.montgomeryschoolsmd.org/boe/meetings/archive/2013/2013-0312.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. 111-13 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approves its agenda for March 12, 2013.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Julie Reiley	Burden of Proof
2. Karen Devitt	School Food
3. Stacy Dedona	Burden of Proof

Mrs. O'Neill asked for more information on Karen Devitt's testimony concerning MCPS sales of chocolate and strawberry milk.

RESOLUTION NO. 112-13 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports with an amendment **SB422/HB667 Public School Employees - Collective Bargaining - Representation Fees**, which would require public school employers to negotiate with certain employee organizations designated as the exclusive representatives for the public school employees a certain service or representation fee to be charged to nonmembers; providing a certain exception and requirement for noncertificated employees whose religious beliefs are opposed to joining or financially supporting a collective bargaining organization; requiring the exclusive representative to establish and maintain a certain procedure; requiring the public school employer to deduct a certain fee from the earnings of nonmember employees in accordance with a certain schedule; excluding certain negotiated fees from certain requirements and further negotiations; and generally relating to representation fees for public school employees.

RESOLUTION NO. 113-13 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports with an amendment **SB740/HB833 College Readiness and Completion Act of 2013**, which would require the State Department of Education to establish certain mathematics course requirements for certain students; requiring students to enroll in a college preparation curriculum except in a certain circumstance; requiring the Department to make a certain assessment of all students in the 11th grade by a certain school year; requiring the Department, in collaboration with a certain association, to develop and implement certain courses for the 11th grade by a certain school year; requiring the Commission, in collaboration with certain institutions of higher education, to develop and implement a certain course numbering system and certain credit transfer agreements by certain dates; requiring the Commission, in collaboration with certain institutions of higher education, to create a certain statewide communication campaign to identify certain individuals; requiring the Commission to develop and implement a certain incentive plan for certain individuals and certain institutions of higher education; requiring certain students to file a degree plan with certain institutions of higher education by a certain time; requiring a degree plan to be developed in consultation with a student's certain academic advisor; requiring certain institutions of higher education to develop and implement certain block scheduling for certain students; requiring certain institutions of higher education to consider implementing certain block scheduling; establishing a standard number of credits required for certain degrees at certain institutions of higher education except under certain circumstances; prohibiting certain institutions of higher education from charging dually enrolled students tuition; requiring each county board of education to provide a certain amount of funding to certain institutions of higher education for dually enrolled students; authorizing county boards to charge a student activities fee to dually enrolled students not to exceed a certain amount; requiring a county board to consider certain information when setting fees; requiring the county board to waive a certain fee for certain students.

RESOLUTION NO. 114-13 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB1288 - Accountability in Education Act of 2013**, which would require a county board of education to pay a public institution of higher education a certain percent of certain tuition and fees for noncredit remedial education courses under certain circumstances; prohibiting a public institution of higher education from charging certain students more than a certain amount for noncredit remedial education courses; generally relating to the tuition and mandatory fees for enrollment in noncredit remedial education courses.

RESOLUTION NO. 115-13 Re: **ITEM OF LEGISLATION**

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:

Resolved, That the Board of Education opposes **HB1026 - Education - Public School Funding – Calculation**, which would alter the definition of “full-time equivalent enrollment” in the calculation for certain State aid for education; requiring that public schools be funded based on a certain calculation of pupil attendance at certain times during the school year; requiring that State aid for education be weighted in a certain manner; providing for the application of this Act; and generally relating to the calculation of public school funding.

RESOLUTION NO. 116-13 Re: **ITEM OF LEGISLATION**

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:

Resolved, That the Board of Education strongly supports **SB958/HB1474 - Education - State Funding - Operating and Capital Funds**, which would establish the rate by which the target per pupil foundation amount is increased in specified fiscal years; requiring that the county boards of education receive a specified grant; and establishing the State goal to provide at least \$350,000,000 in each fiscal year to fund public school construction or capital improvement costs.

RESOLUTION NO. 117-13 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0875 - Education - Public Schools - Parent Empowerment**, which would authorize certain parents and legal guardians of students attending public schools that are not meeting State accountability goals to

petition county boards of education to implement certain interventions; requiring county boards to notify the State Superintendent of Schools and the State Board of Education on receipt of certain petitions and of the final dispositions regarding the petitions; requiring county boards to make certain determinations in a certain manner within a certain time frame.

RESOLUTION NO. 118-13 Re: **ITEM OF LEGISLATION**

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:

Resolved, That the Board of Education opposes **HB926 - County Boards of Education – Spending – Reporting Requirement**, which would require each county board of education to provide a report to the State Department of Education by certain dates on the amount of State, local, and federal funds spent per student for certain students at each school; requiring the Department to submit a certain report to the General Assembly by certain dates; stating the intent of the General Assembly; and generally relating to the amount of per student spending by each county board.

RESOLUTION NO. 118-13 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted with Mr. Barclay, Dr. Docca, Mr. Durso, Mr. Kauffman, Mr. Mannes, and Mrs. O'Neill voting in the affirmative; Ms. Smondrowski abstaining:

Resolved, That the Board of Education strongly opposes **HB1441 - Public Schools - Extracurricular Activities - Students Not Enrolled in Public School (Fairness for All Children Act)**, which would authorize a public school to allow students not enrolled in the public school to participate in certain extracurricular activities under certain circumstances; defining a certain term; and generally relating to allowing participation in extracurricular activities sponsored by public schools.

RESOLUTION NO. 119-13 Re: **ITEM OF LEGISLATION**

On motion of Mr. Kauffman and seconded by Mr. Durso, the following resolution failed with Mr. Durso, Mr. Kauffman, and Mrs. Smondrowski voting in the affirmative; Mr. Barclay, Dr. Docca, Mr. Mannes, and Mrs. O'Neill voting in the negative:

Resolved, That the Board of Education supports with amendments **SB691/HB1286 - Education-Due Process Hearings for Children with Disabilities-Burden of Proof**, which would require certain public agencies to bear a certain burden of proof in due process hearings that are held to resolve a dispute relating to the provision of a free appropriate public education to children with disabilities; and generally relating to the burden of proof in certain due process hearings.

To view and hear the discussion on Burden of Proof, please watch at <http://www.montgomeryschoolsmd.org/boe/meetings/archive/2013/2013-0312.shtm>

RESOLUTION NO. 119-13 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was accepted by members present based on the Board's Legislative Platform:

Resolved, That the Board of Education opposes **HB1033 - Education - Taxpayers' Savings Act**, which would authorize a certain parent or legal guardian to receive reimbursement of tuition paid to a certain nonpublic school, under certain circumstances; establishing the eligibility for and the amount of the reimbursement; prohibiting reimbursement in an amount that is more than a certain cost; prohibiting the use of federal funds for reimbursement; requiring certain counties to include certain students in their full-time equivalent enrollment; requiring that certain funds be subtracted from State financial assistance to a county; requiring a county board to remit payment within a certain number of days after receipt of a certain request from a parent or legal guardian; requiring the Comptroller to adopt certain regulations, in consultation with the State Department of Education, and to submit a certain annual report; establishing the autonomy of certain schools; requiring certain county boards to provide school records and transportation for certain students, under certain circumstances; requiring the State Department of Education to adopt certain regulations; defining certain terms; and generally relating to tuition reimbursement for enrollment in nonpublic schools.

RESOLUTION NO. 120-13 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was accepted by members present based on the Board's Legislative Platform:

Resolved, That the Board of Education opposes **HB1417 - Public Schools - Cardiopulmonary Resuscitation and Automated External Defibrillator Instruction - Graduation Requirement**, which would require a public school student to complete instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to graduate from high school beginning with students entering a certain grade in a certain year; requiring each county board of education to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator in certain schools beginning in a certain year and using a certain instructional program and incorporating certain skills; requiring, if the instruction is offered for certification, a certain individual to conduct the instruction; authorizing, if the instruction is not offered for certification, a certain individual to facilitate, provide, or oversee the instruction; requiring the State Department of Education to develop a process to monitor the implementation of certain provisions of law; authorizing the State Superintendent of Schools, with the approval of the State Board of Education, to request that the State

Comptroller withhold certain funds if a local school system fails to comply with certain requirements; requiring the Comptroller to withhold certain funds until receiving a certain notice; defining certain terms; and generally relating to instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator and high school graduation requirements in the State.

RESOLUTION NO. 121-13 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was accepted by members present based on the Board's Legislative Platform:

Resolved, That the Board of Education opposes ***HB1462 - Task Force to Study a Later Starting Time for Maryland Public Schools***, which would establish the Task Force to Study a Later Starting Time for Maryland Public Schools; providing for the composition, chair, and staffing of the Task Force; prohibiting Task Force members from receiving compensation, but authorizing reimbursement for certain expenses under the Standard State Travel Regulations; requiring the Task Force to study and make recommendations relating to a later starting time for Maryland public schools; requiring the Task Force to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study a Later Starting Time for Maryland Public Schools.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mrs. Smondrowski stated that she was grateful to talk about special education. She hoped and believed everyone was working on the common goal of what is best for MCPS students. She voted for the proposed budget because the funding is appropriate; Maintenance of Effort (MOE) is the funding floor. The Board is doing a good job in reaching out to the elected county officials.

Mr. Mannes commented on the nominating convention with four candidates participating; Justin Kim and Andrew Zhang are the finalists for the election in April. He commented on the Walter Johnson Town Hall with 100 students attending. At Rolling Terrace Elementary School, he attended the visit of Secretaries Duncan and Sibelius where they talked about early education.

Dr. Docca reported that she attended the Literacy Celebration at Briggs Chaney Middle School, and the ninth Annual Awards Reception of Montgomery County Women where Wilma Holmes was honored.

Mr. Barclay commented on (1) Robert Frost Middle School as a Blue Ribbon School; (2) the staff and family basketball game between Francis Scott Key Middle School and Burnt Mills Elementary School; (3) Rachel Carson Elementary School's and Montgomery Blair High School's Black History Month celebrations; (4) the Rock and Roll Revival at Sherwood High School; (5) the U.S. Secretaries visit at Rolling Terrace

Elementary School; and (6) the introduction of the Office of Legislative Oversight Report which focused progress on the early grades.

Dr. Starr commented on the following: U.S. Secretaries visit at Rolling Terrace Elementary School; Community Dialogue on Academic Success; Student Emerging Leaders program; OASIS Volunteers; March 11 Community Day; and Student Town Hall at Walter Johnson High School.

RESOLUTION NO. 123-13 Re: **TENTATIVE ACTION, POLICY ABA,
COMMUNITY INVOLVEMENT**

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, Policy ABA, *Community Involvement*, has been updated to affirm the Board's commitment to fostering and supporting community interest and involvement in MCPS, because citizen support of the schools is essential to student success; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to Policy ABA, *Community Involvement*, now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy ABA, *Community Involvement*, and be it further

Resolved, That Policy ABA, *Community Involvement*, be sent out for public comment.

Community Involvement

A. PURPOSE

The Montgomery County Board of Education (Board) is committed to fostering and supporting community interest and involvement in Montgomery County Public Schools (MCPS), because citizen support of the schools is essential to student success. The Board will ensure that the ideas, interests, and concerns of its stakeholders are considered and valued in decision-making processes and that input and involvement is sought and encouraged from a broad spectrum of our diverse community. The Board is committed to the maintenance and monitoring of ongoing collaborative and productive communication processes with the community.

B. ISSUE

Creating processes for community involvement in a large, diverse community such as Montgomery County presents challenges and opportunities. Ensuring

that the members of the community are encouraged, supported, and recruited to contribute time, knowledge, skills, and ideas to the public school system is both challenging and essential. Commitment and resources are required to design, maintain, and monitor processes for productive collaboration and communication between MCPS and the community. These processes must create an environment where diverse views may be heard and considered in an atmosphere of respect.

C. DEFINITIONS

1. *Community Involvement* seeks to ensure that the breadth of interests and values from across the community are heard and considered by the Board, superintendent of schools, principals, and other educational leaders, thereby enhancing the decision-making process.
2. *Community* is comprised of numerous constituents with a vested interest in the education of children. Some of these constituents may include, but are not limited to, Montgomery County residents, advocacy, nonprofit, parent or community-based organizations; business, civic and nongovernment organizations; local postsecondary educational institutions; state, local, and federal agencies; and cultural, ethnic, racial, and religious groups.

D. POSITION

1. As part of its responsibility as a community member, the Board will:
 - a. Develop its role as an advocate, using the best interest of the students as a guiding principle
 - b. Engage community members in building an organizational culture of respect
 - c. Establish processes designed to obtain input by engaging in a discussion among a broad variety of stakeholders and utilizing opportunities for input from the public and relevant staff members through any appropriate method such as, but not limited to:
 - (1) Focus groups
 - (2) Task forces
 - (3) Work groups
 - (4) Technologically facilitated communication
 - (5) Advisory groups
 - (6) Public forums
 - (7) Surveys

- d. Solicit and consider community comments and concerns regarding the development of MCPS policies and other decisions
 - e. Seek to engage members of our diverse community, particularly organizations representing new or traditionally underrepresented communities, in a committed, productive partnership to support the MCPS strategic plan
 - f. Advocate for the MCPS student population and their families through engagement with local, state, and federal government agencies
2. As part of its responsibility as a community member, the school system offices will:
- a. Integrate resources and services from the community to strengthen school programs, family practices, and student learning and development
 - b. Seek collaboration with a broad range of community members and organizations that reflect the diverse citizenry and interests of Montgomery County
 - c. Seek and support the involvement of local organizations, particularly organizations representing new or traditionally underrepresented communities, in the school system
 - d. Provide access and opportunity for broad segments of the community, representing the wide variety of interests within the community, to participate in decision-making processes
 - e. Provide, to the extent possible, interpretation services and translations of important information about school system programs, services, policies, or issues
3. As part of its responsibility as a community member, each school will:
- a. Seek involvement from the community and provide opportunities to strengthen the home/school connection
 - b. Establish and maintain regular and ongoing two-way communication with families and the community to provide information and solicit feedback about school progress, resources, policies, and issues
 - c. Provide, to the extent possible, information in the native languages

of members of the school community

- d. Access community services to support and foster academic achievement and positive development for all students
- e. Participate actively and responsibly in the life and social fabric of the local community

E. DESIRED OUTCOME

There will be an actively engaged community that is reflective of all residents. The system will benefit from the community's contribution of its skills, knowledge, ideas, and time to support the success of all students in partnership with MCPS.

F. IMPLEMENTATION STRATEGIES

1. The superintendent of schools will assess the status of community involvement, review existing policies and procedures, revise necessary regulations and procedures to support this policy, and make periodic reports to the Board regarding the status of community involvement.
2. The Board will seek community input on school system policies, including curriculum, facilities, and funding issues from a broad spectrum of our culturally and linguistically diverse community.

G. REVIEW AND REPORTING

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

RESOLUTION NO. 124-13

Re: **TENTATIVE ACTION, POLICY IGN,
COMBATING ALCOHOL AND OTHER DRUG
ABUSE**

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, Policy IGN, *Combating Alcohol and Other Drug Abuse*, has been updated to provide a framework for creating and maintaining a safe environment for teaching, learning, and working with MCPS that is free of tobacco, drugs, alcohol, and other intoxicants; and

WHEREAS, Given that the title of Policy IGN, *Combating Alcohol and Other Drug Abuse*, does not accurately describe the contents of the suggested updated policy, the recommendation is to rename Policy IGN, *Preventing Tobacco, Drug, Alcohol, and Other Intoxicant Abuse in Montgomery County Public Schools*; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to Policy IGN, *Combating Alcohol and Other Drug Abuse*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy IGN, *Combating Alcohol and Other Drug Abuse*; and be it further

Resolved, That Policy IGN, *Combating Alcohol and Other Drug Abuse*, be sent out for public comment.

Preventing Tobacco, Drug, Alcohol, and Other Intoxicant Abuse in Montgomery County Public Schools

A. PURPOSE

The purpose of this policy is to provide a framework for creating and maintaining a safe environment for teaching, learning, and working within Montgomery County Public Schools (MCPS) that is free of tobacco, drugs, alcohol, and other intoxicants.

B. ISSUE

The Montgomery County Board of Education (Board) recognizes the harmful impact of the abuse of tobacco, drugs, alcohol, and other intoxicants on society as a whole, as well as the particular impact of abusing these and other chemicals and medications on the physical, psychological, social, and intellectual development of students. The Board affirms its interest in working with parents and community groups to provide students with the knowledge, decision-making skills, and health-enhancing strategies essential for students to achieve their academic and physical potential. As an employer, the Board further affirms the employee wellness systems set forth in Board Policy GAA, *Positive Work Environment in a Self-Renewing Organization*, and the Board's interest in maintaining a workplace that is free of tobacco, drugs, alcohol, and other intoxicants.

MCPS will coordinate with the community and provide, as appropriate, prevention and education regarding legal and illegal substances; assistance, intervention, referrals, and counseling; and, when necessary, will pursue penalties for those who violate laws, Board policies, and MCPS regulations regarding drugs, alcohol, and other intoxicants.

C. POSITION

MCPS employees and students are expected to adhere to federal, state, and local laws and demonstrate through their actions, deeds, and teachings that they

do not encourage or condone tobacco, drug, alcohol, or other intoxicant abuse.

The Board is committed to keeping the possession, use, and distribution of tobacco, drugs, alcohol, and other intoxicants off MCPS property.

In this policy, MCPS property means any school or other facility, including grounds owned or operated by MCPS, MCPS buses, and other MCPS vehicles, and the facility and/or grounds of any MCPS-sponsored activity involving students. It is not the intent of this policy to prohibit the legal activity of MCPS employees off MCPS property, during non-duty hours.

1. Communication and Education

- a) MCPS notifies employees, students, and parents of Board policies, MCPS regulations, and pertinent laws designed to create a safe environment for teaching, learning, and working that is free of tobacco, drugs, alcohol, and other intoxicants.
- b) MCPS develops and implements a comprehensive health education curriculum for students, beginning in the elementary grades. The curriculum addresses the harmful impact of the abuse of tobacco, drugs, alcohol, and other intoxicants on society as a whole, as well as the particular impact of abusing these and other chemicals and medications on the physical, psychological, social, and intellectual development of individuals. :
- c) MCPS develops, implements, and supports prevention programs and encourages students to help other students avoid involvement with tobacco, drugs, alcohol, and other intoxicants.

2. Identification and Assistance

- a) MCPS, in cooperation with the community, promotes access to personal assistance for students and employees to prevent or treat abuse of tobacco, drugs, alcohol, and other intoxicants.
 - (1) Assistance for students may include direct provision of services or referral to, as appropriate, in-school counseling services, student support organizations, alternative programs, public or private treatment programs, and other community services and supports.
 - (2) Assistance to employees is provided through the Employee Assistance Program, pursuant to Board Policy GAA, *Positive Work Environment in a Self-Renewing Organization*.
- b) MCPS will establish procedures for communicating with parents or

guardians of minor-age students about whom employees are concerned, in a manner that respects confidentiality.

3. Coordination of Community Resources

MCPS will participate in community-wide efforts to combat the possession, use, and distribution of drugs, alcohol, and other intoxicants. MCPS supports and encourages partnerships with the community, community health providers, and other local, state, and federal agencies to increase access to prevention or treatment services addressing the problems associated with drugs, alcohol, and other intoxicant abuse.

4. Enforcement

- (1) a) MCPS will ensure that prompt action is taken to achieve the overall purpose of a safe school environment that is free of tobacco, drugs, alcohol and other intoxicants, as follows:
Enforce measures to ban the sale or use of tobacco on MCPS sites, and to ban the possession of tobacco or tobacco products by students on MCPS sites;
- (2) Enforce measures to ban the entry of drugs, alcohol, and other intoxicants onto MCPS properties
- (3) Provide for security measures to address problems of weapons and violence or the threat of violence sometimes associated with the possession, use, or distribution of drugs, alcohol, and other intoxicants; and
- (4) Cooperate with local, state, and federal agencies to address the problems associated with drugs, alcohol, and other intoxicant abuse, including prevention, education, treatment, and law enforcement.

- b) Any illegal activity relating to or involving drugs, alcohol, or other intoxicants by any MCPS employee, regardless of location, constitutes grounds for disciplinary action, up to and including immediate dismissal. Criminal conviction is not necessary for disciplinary action.
- c) Disciplinary standards and procedures for activities involving students are established in Board Policy JFA, *Student Rights and Responsibilities*, and MCPS Regulation JFA-RA, *Student Rights and Responsibilities*.

D. DESIRED OUTCOMES

1. A safe environment for teaching, learning, and working within MCPS that is free of tobacco, drugs, alcohol, and other intoxicants

2. The development and implementation of regulations that protect employee and student rights and enforce applicable federal, state and local laws, Board policies, and MCPS regulations
3. Students and employees educated about and equipped with the knowledge, decision-making skills, and health-enhancing strategies that allow them to learn and work to their full potential, without the harmful impact of the abuse of tobacco, drugs, alcohol, and other intoxicants

E. REVIEW AND REPORTING

1. The superintendent develops regulations and procedures to implement this policy in a manner that appropriately safeguards student and employee privacy.
2. MCPS keeps the public and the Board informed about the implementation of this policy with respect to students through the annual reporting of aggregated student data on serious incidents involving alcohol, drugs, and other intoxicants.
3. Incidents related to employees are managed and monitored through the Office of the Chief Operating Officer.
4. This policy is reviewed in accordance with the Board policy review process.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed from 1:07 to 1:50 p.m. for lunch.

** Mr. Mannes left the meeting at this point.

RESOLUTION NO. 125-13

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

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, 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 follows:

042.12.B3 On-Call Bleacher Inspection, Maintenance, and Repair Services—
Extension

Awardees (See note)

	Modern Door and Equipment Sales	
	T. J. Distributors	
	Total	\$50,000
12-036PS-SL	Commodity Processed Foods	
	<u>Awardee</u>	
	Café Favorites	\$35,100
1155.3	MDK12 Digital Library Project—Extension	
	<u>Awardees (See note)</u>	
	ABC-CLIO, Inc.	
	AccuWeather, Inc.	
	Atomic Learning	
	Britannica Digital Learning	
	Coughlan Companies, Inc.	
	Defined Learning	
	EBSCO	
	Facts On File, Inc.	
	Follett Software Company	
	FWD Media, Inc.	
	Gale/Cengage Learning	
	Knovation, Inc.	
	Marshall Cavendish Corporation	
	NBC Learn	
	Proquest, LLC	
	Salem Press	
	Scholastic, Inc.	
	Taylor Book Group	
	Thinkmap	
	World Book, Inc.	
	Total	\$994,505
4045.9	Telephone Equipment—Extension	
	<u>Awardees</u>	
	Call One, Inc.*	\$ 5,000
	Capitol Cable & Technology, Inc.	1,500
	Graybar Electric Company, Inc.	<u>59,600</u>
	Total	\$66,100
4061.5	Modular Computer Furniture—Extension	
	<u>Awardees</u>	
	Douron, Inc.*	\$174,574

	Glover Equipment, Inc.	<u>94,805</u>
	Total	\$269,379
4063.11	Art Supplies	
	<u>Awardees</u>	
	Commercial Art Supply	\$ 50,618
	DGS Educational Products*	33,103
	Dick Blick Company	4,772
	Elgin School Supply Company, Inc.	2,638
	Ivin Lee*	10,020
	Pyramid Paper Company	195,941
	School Specialty, Inc.	11,149
	Standard Stationery Supply Company	29,214
	Triarco Arts & Crafts, LLC	<u>1,728</u>
	Total	\$339,183
4065.11	Ceramic Supplies—Extension	
	<u>Awardees</u>	
	Chesapeake Ceramic Supply, Inc.	\$56,348
	Clayworks Supplies, Inc.	9,783
	DGS Educational Products*	1,507
	School Specialty, Inc.	<u>27,844</u>
	Total	\$95,482
4124.4	Library Furniture—Extension	
	<u>Awardees</u>	
	American Design Associates	\$ 2,000
	Demco, Inc.	10,000
	Douron, Inc.*	160,000
	Glover Equipment, Inc.	<u>78,000</u>
	Total	\$250,000
4312.1	Project North Star Evaluation—Extension	
	<u>Awardee</u>	
	RMC Research Corporation	\$43,818
4341.1	Consultant for Title I Program Grant	
	<u>Awardee</u>	
	Lenore Blank Kelner & Company	\$142,337
7148.3	Purchase of New Tires—Extension	

	<u>Awardees</u>	
	Donald B. Rice Tire Company, Inc.	\$ 17,496
	McCarthy Tire and Automotive Center	4,403
	S&S Tire Service, Inc.*	21,168
	Service Tire Truck Center	<u>830,437</u>
	Total	\$873,504
7149.3	Tires, Mounting, Balancing, and Alignment—Extension	
	<u>Awardee</u>	
	S&S Tire Service, Inc.*	\$36,000
9002.7	Door Hardware, Closures, and Exit Devices	
	<u>Awardees</u>	
	Accredited Lock Supply	\$100,735
	Clark Security Products	7,589
	Independent Hardware, Inc.	<u>26,360</u>
	Total	\$134,684
9003.5	Hardware Supplies	
	<u>Awardee</u>	
	Sweeney Brothers	\$150,000
9016.6	Electrical Supplies and Equipment	
	<u>Awardees</u>	
	Capital Lighting & Supply	\$ 20,697
	C.N. Robinson Lighting Supply Company	134,069
	Grainger, Inc.	2,620
	Graybar Electric Company, Inc.	2,332
	Southern Utilities Company, Inc.	10,000
	United Electric Supply Company, Inc.	<u>132,865</u>
	Total	\$302,583
9021.8	Doors and Door Hardware—Extension	
	<u>Awardees</u> (See note)	
	Capitol Building Supply	
	Liberty Lumber & Supply Company Pikesville	
	Precision Doors & Hardware	
	Total	\$50,000
9069.10	Softball Supplies and Equipment	

Awardees

All American Sports Corporation	\$1,867
BSN Sports, Inc.	7,170
Hat World, Inc.	10,190
Pyramid Paper Company	<u>41,239</u>
Total	\$60,466

9116.5 Detergents and Cleaners for Laundry and Kitchen Use—Extension

Awardee

Acme Paper & Supply Company	\$45,000
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9320.5 Library Security System Replacements**

Awardee

Checkpoint Systems, Inc.	\$62,454
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TOTAL PROCUREMENT CONTRACTS OVER \$25,000 \$4,000,595

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

**Planned Life-cycle Asset Replacement (PLAR)

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 126-13 Re: **AWARD OF CONTRACTS—EMERGENCY GENERATING SYSTEMS REPLACEMENT AT VARIOUS SCHOOLS**

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

WHEREAS, The following low bids were received on January 30, and February 15, 2013, for emergency generating systems replacement at Beall Elementary School, Fairland Center, and Piney Branch Elementary School:

<u>School</u>	<u>Low Bidder</u>	<u>Amount</u>
Beall Elementary School	Amber Enterprises, Inc.	\$109,568
Fairland Center	Amber Enterprises, Inc.	\$99,722
Piney Branch Elementary School	Tex/Am Construction Co., Inc.	\$84,500

and

WHEREAS, The low bidders, Amber Enterprises, Inc. and Tex/Am Construction Co.,

Inc., are Maryland Department of Transportation-certified Minority Business Enterprise firms; and

WHEREAS, Amber Enterprises, Inc. and Tex/Am Construction Co., Inc. have completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That contracts in the amount of \$109,568 and \$99,722 be awarded to Amber Enterprises, Inc. and a contract in the amount of \$84,500 be awarded to Tex/Am Construction Co., Inc. for emergency generating systems replacement at various schools, in accordance with drawings and specifications.

RESOLUTION NO. 127-13 Re: **AWARD OF CONTRACT—WATKINS MILL
HIGH SCHOOL HEATING, VENTILATION,
AND AIR CONDITIONING REPLACEMENT
PHASE I**

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

WHEREAS, The following sealed bids were received on February 22, 2013, for the Watkins Mill High School Heating, Ventilation, and Air Conditioning Replacement Phase I Project:

<u>Bidder</u>	<u>Amount</u>
Shapiro & Duncan, Inc.	\$1,736,000
W. L. Gary Company, Inc.	1,991,000
M & M Welding and Fabricators, Inc.	2,256,000

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 10 percent; and

WHEREAS, The low bidder, Shapiro & Duncan, Inc., has submitted 10 percent Maryland Department of Transportation-certified Minority Business Enterprise participation; and

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

Resolved, That a \$1,736,000 contract be awarded to Shapiro & Duncan, Inc. for the Watkins Mill High School HVAC replacement Phase I project, in accordance with drawings and specifications prepared by Building Dynamics, LLC.

RESOLUTION NO. 128-13

Re: **FY 2013 SUPPLEMENTAL APPROPRIATION
REQUEST FOR RELOCATABLE
CLASSROOMS**

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

WHEREAS, The Board of Education's Requested Fiscal Year 2013–2018 Capital Improvements Program includes \$4.0 million in the Fiscal Year 2014 Capital Budget for relocatable classrooms to accommodate student population changes for the 2013–2014 school year; and

WHEREAS, These funds are programmed to be expended during summer 2013 but will not be available until the County Council takes final action on the Board of Education's Capital Improvements Program request in May 2013; and

WHEREAS, The contracts for the leasing, relocation, and installation work for the Fiscal Year 2014 relocatable classroom moves must be executed prior to May 1, 2013, in order to have the units ready for the start of school in August 2013; and

WHEREAS, The appropriation authority to expend the funds programmed for Fiscal Year 2014 must be approved by the County Council before the Board of Education can enter into contracts; now therefore be it

Resolved, That the Board of Education requests a Fiscal Year 2013 supplemental appropriation in the amount of \$4.0 million to accelerate the requested Fiscal Year 2014 appropriation to provide for the execution of contracts for leasing and relocatable classroom moves planned for summer 2013 to address school enrollment changes in time for the beginning of the 2013–2014 school year; and be it further

Resolved, That this request be forwarded to the county executive and the County Council for action.

Re: **RICHARD MONTGOMERY HIGH
SCHOOL—AMENDMENT TO STADIUM
FIELD AGREEMENT**

The following resolution was not voted on, and Mr. Barclay asked for legal advice and a strategic plan for dealing with the amendment to the stadium field agreement.

WHEREAS, The Board of Education approved a resolution to install artificial turf at the Richard Montgomery High School stadium field on January 8, 2008; and

WHEREAS, The Board of Education accepted a contribution from Maryland Soccer Enterprises, LLC in the amount of \$300,000 toward the installation of artificial turf in return for preferred scheduled use of the stadium field during non-school hours; and

WHEREAS, Maryland Soccer Enterprises, LLC has utilized the stadium field for four years of the five-year term; and

WHEREAS, Maryland Soccer Enterprises, LLC is requesting approval to sublease the remaining one-year term to another sports organization; and

WHEREAS, It is in the best interest of the Board of Education to allow the sublease of the Richard Montgomery High School stadium field for the remaining one-year term; and

WHEREAS, The current stadium field agreement with Maryland Soccer Enterprises, LLC prohibits assignment or sublease; therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute an amendment to the Richard Montgomery High School Stadium Field Agreement with Maryland Soccer Enterprises, LLC to allow the sublease of the stadium field for the remaining one-year term.

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

RESOLUTION NO. 129-13 Re: **UTILIZATION OF THE FY 2013 PROVISION
FOR FUTURE SUPPORTED PROJECTS**

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 \$140,268 within the Fiscal Year 2013 Provision for Future Supported Projects, specified as follows:

Project	Amount
Title I, Part A—FY 2013	\$ 3,168
Title I, Part A—School Improvement 1003(a) Focus Schools Project	<u>137,100</u>
Total	\$ 140,268

and be it further

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

RESOLUTION NO. 130-13 Re: **PRELIMINARY PLANS—CLARKSBURG/
DAMASCUS MIDDLE 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 architect for the proposed new Clarksburg/Damascus Middle School project, Grimm + Parker Architects, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The participants in the Clarksburg/Damascus Middle School facility advisory process have provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approves the preliminary plans report for the new Clarksburg/Damascus Middle School project developed by Grimm + Parker Architects.

RESOLUTION NO. 131-13 Re: **PRELIMINARY PLANS—NORTH CHEVY
CHASE ELEMENTARY SCHOOL 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 architect for the proposed North Chevy Chase Elementary School addition project, Grimm + Parker Architects, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The participants in the North Chevy Chase Elementary School facility advisory process have provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approves the preliminary plans report for the North Chevy Chase Elementary School addition project developed by Grimm + Parker Architects.

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

January 1, 2013, 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 \$2.7 million, and expenses have a projected surplus of \$14.5 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. Based on the revenue and expenditure projections as of January 31, 2013, the FY 2013 fund balance will be \$40.7 million at year end. 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.

RESOLUTION NO. 132-13 Re: **HUMAN RESOURCES AND DEVELOPMENT REPORT**

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

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.

Re: **DISCUSSION OF SCHOOL SUPPORT AND IMPROVEMENT FRAMEWORK**

Dr. Starr invited the following people to the table: Dr. Beth Schiavino-Narvaez, deputy superintendent, Office of School Support and Improvement; Dr. Darryl L. Williams, community superintendent, Office of School Support and Improvement; Mr. James P. Koutsos, principal, Clarksburg High School; Mr. Robert Sinclair, Jr., principal, Redland Middle School; and Mrs. Elizabeth L. Thomas, director of school support and improvement, Office of School Support and Improvement.

This discussion is to provide an update on the School Support and Improvement Framework (SSIF) that originated in the Office of School Support and Improvement

(OSSI) as a way to understand the strengths and needs of all 202 schools using multiple sources of data. Although OSSI is using this framework to set the expectations for the conditions for school success and document and analyze the strengths and needs of schools, SSIF also is a tool that assists in initiating collaboration between central offices to align and coordinate resources in order to provide focused, differentiated support to schools.

SSIF is based on four categories of data to know schools well. Within each category are examples of data that will illustrate a school's improvement journey:

- student outcome—strategic targets such as suspensions, eligibility, graduation rate, school performance index, annual measureable objectives;
- perceptual—stakeholder input such as the Gallup survey on student and staff engagement;
- implementation—data such as assessment tool results on the extent to which Curriculum 2.0 (C2.0) and professional learning communities are being implemented schoolwide; and
- leadership—leadership practices such as eliminating barriers to all students achieving at high levels, leading the school improvement planning process, building high functioning teams, and modeling the essence of a learning leader.

SSIF also helps to answer the following questions:

- What are the strengths and needs of individual schools?
- What are the patterns of strengths and needs of schools across the system?
- What indicators provide a more complete picture of a school's story?
- How should central office leaders focus their service and support?

As OSSI moves forward, one key next step will revolve around identifying high-impact leadership practices. The deputy superintendent of school support and improvement will continue collecting data from stakeholders in order to create a common understanding of the leadership practices that make a difference for staff and students and help move schools toward their improvement goals. OSSI will partner with the Executive Leadership Team to develop clarity around how central offices continue to strengthen service and support and identify key data points that guide the next steps in coordinating meaningful service and support.

Re: **DISCUSSION**

Dr. Docca likes the cross-team meetings in the schools, and everyone gets a chance to lead in their area of expertise. Furthermore, the focus is on all the students.

Mrs. O'Neill was pleased that OSSI was doing something different, and she commended everyone for their efforts. However, she was not sure that the parent community understands how the school system is restructuring; therefore, she urged staff to communicate to the parents and the PTAs how things will be the same and how things will be different.

Mrs. Smondrowski associated her comments with those of her colleagues. She emphasized that staff should make sure to include the parent community. Culture is everything and it comes from the leadership in the school.

Mr. Kauffman asked about student outcome data, and to what extent are the new state strands factored into the new data. Regarding perceptual data, how does staff deal with schools with special programs to differentiate or disaggregate the data, such as the magnet program at Blair and the non-magnet.

Mr. Durso pointed out that new administrators may be juggling between what they know and the new "normal." He pointed out that the new structure across grade levels is a more efficient model.

Mr. Barclay noted that the structure of OSSI is supporting schools. He pointed out that the parents who need to know are not always the PTA parents. He supports leaders and teachers with a strong relationship with parents. When this process is communicated, it needs to be as clear and straightforward as possible.

RESOLUTION NO. 133-13 Re: **FUTURE CLOSED SESSION RESOLUTION**

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

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 Thursday, March 21, 2013, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 5:30 to approximately 6:00 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*); a discussion of 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 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. 134-13 Re: **REPORT OF PREVIOUS CLOSED SESSIONS**

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

On February 25, 2013, 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 February 25, 2013, from 5:05 to 7:10 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Received legal advice and considered the following Decisions and Orders involving a student transfer and a student placement: DCC-2013-1 and T-2013-2, 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 a briefing on an individual candidate for appointment as assistant controller, Division of Controller, with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
3. 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*.
4. Received a briefing from the superintendent of schools on strategies regarding implementation of the new principals/teachers effectiveness regulation, which is an administrative function outside the purview of the *Open Meetings Act*.
5. Received legal advice on pending litigation in the Circuit Court on Brickyard, as permitted under Section 10-508(a)(7) of the *State Government Article*.
6. Received a briefing by the superintendent of schools on operating budget strategies, which is an administrative function outside the purview of the *Open Meetings Act*.
7. Discussed matters of an administrative function (Distinguished Service Awards), which are outside the purview of the *Open Meetings Act*.

In attendance at the 5:05 p.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, Patrick Clancy, and Kristin Koger. At 5:09 p.m., the following staff joined the Board: Larry Bowers, Brian Edwards, Joshua Starr, Beth Schiavino-Narvaez, Kimberly Statham, and Dana Tofig. At 5:29 p.m., Patrick Clancy and Kristin Koger left the meeting. At 5:53 p.m., Stan Damas joined the Board and staff.

On March 4, 2013, 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 March 4, 2013, from 4:32 to 5:01 p.m. in the Directors' Board Room of the Rockville Public Library, 21 Maryland Avenue, Rockville, Maryland, and:

1. 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*.
2. The superintendent of schools briefed the Board on operating budget strategy, which is an administrative function outside the purview of the *Open Meetings Act*.

In attendance at the closed session were Chris Barclay, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Rebecca Smondrowski, Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, Larry Bowers, Stan Damas, Brian Edwards, Beth Schiavino-Narvaez, Joshua Starr, and Kimberly Statham.

RESOLUTION NO. 135-13 Re: **MINUTES**

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

Resolved, That the Board of Education approve its minutes for the following meetings: January 8, January 10, January 17, January 22, and January 24, 2013.

RESOLUTION NO. 136-13 Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(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>
DCC-2012-43	Remand	Remanded
2013-1	Administrative Complaint	Affirmed

RESOLUTION NO. 137-13

Re: **GUIDELINES FOR LEASING, LICENSING,
OR USING MCPS PROPERTY THAT IS
BEING HELD AS A FUTURE SCHOOL SITE**

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

WHEREAS, The Montgomery County Board of Education holds real property in trust for the benefit of the school system; and

WHEREAS, There are currently 13 Board of Education-owned future school sites; and

WHEREAS, Policy DNA, *Disposal of Board of Education Property*, only addresses the disposal of real property (land and buildings) considered to have no further use by the Montgomery County Public Schools system; and

WHEREAS, There has been litigation which has raised issues relating to leases executed by the Montgomery County Public Schools system of future school sites; and

WHEREAS, There is a need to address policies and procedures governing the leasing, licensing, or other uses of property (land and buildings) that is being held by the Montgomery County Public Schools system as a future school site, including, but not limited to the right of reclamation of the property by the school system, receipt of fair market value, appropriate use of the property consistent with the Board's trust, the term of any lease or license agreement, competitive selection procedures, and compliance with local zoning and mandatory referral procedures; now therefore be it

Resolved, That the Montgomery County Board of Education direct its Policy Committee to examine the current guidelines and procedures for the leasing, licensing, or other uses of the school system's real property being held as a future school site (land and buildings); and be it further

Resolved, That the Policy Committee make a recommendation to the Montgomery County Board of Education regarding whether any further guidelines or a policy should be adopted for guiding any decision making related to the use, lease, or license of the school system's real property being held as a future school site (land and buildings).

Re: **COMMITTEE UPDATES**

There were no updates.

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. Update On Contract Awards for On-Call Heating, Ventilation, and Air Conditioning Replacement Services and On-Call Construction Services

RESOLUTION NO. 138-13

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of March 12, 2013, at 4:37 p.m.

 PRESIDENT

 SECRETARY

JPS:gr

Resolution	Barclay	Brandman	Docca	Durso	Kauffman	Mannes	O'Neill	Smondrowski
Policy ABA	A	AB	A	A	A	A	A	A
Policy IGN	A	AB	A	A	A	A	A	A

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