

APPROVED
17-2008

Rockville, Maryland
July 28, 2008

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on July 28, 2008, at 7:05 a.m.

Present: Mrs. Nancy Navarro, President
in the Chair
Mr. Steve Abrams
Mr. Christopher Barclay
Ms. Shirley Brandman
Ms. Sharon Cox
Dr. Judy Docca
Ms. Quratul-Ann Malik
Mrs. Patricia O'Neill
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 293-08 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Ms. Brandman 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 July 28, 2008, in Room 120 from 5:30 to 6:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County receive legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

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

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on July 28, 2008, to acquit its administrative functions and adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

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. 294-08 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for July 28, 2008.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Robert Ponichtera	Liberty's Promise

Re: **BOARD/SUPERINTENDENT COMMENTS**

Ms. Malik commented on the Drive for Supplies, and said she was pleased with the students and parents who volunteered to share school supplies for next year.

Ms. Brandman reported that she visited Open Studio at Arts on the Block, and it is a fabulous combination of creativity and job skills.

RESOLUTION NO. 295-08 Re: **LEASE RENEWALS FOR RELOCATABLE CLASSROOMS WITH WILLIAMS SCOTSMAN, INC.**

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

WHEREAS, The original leases expired on 66 relocatable classrooms owned by Williams Scotsman, Inc., as of June 30, 2008; and

WHEREAS, There is a continuing need for 63 of the 66 units for the 2008–2009 school year, while 3 units have been identified for return to the vendor; and

WHEREAS, Staff has negotiated a one-year renewal cost for the 63 units that are still

needed at an annual cost of \$345,960, or an average cost of \$5,491.43 per unit, which remains unchanged; now therefore be it

Resolved, That the Board of Education authorize the superintendent of schools to execute renewal leases with Williams Scotsman, Inc. for a total one-year cost of \$345,960.

RESOLUTION NO. 296-08 Re: **UTILIZATION OF THE FY 2009 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS**

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

WHEREAS, The above-noted project qualifies for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 16-578, approved May 22, 2008; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2009 Provision for Future Supported Projects, to permit the above-noted transfer within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend \$81,206 within the FY 2009 Provision for Future Supported Projects, as specified below:

	<u>Amount</u>
<u>Project</u>	
21 st Century Community Learning Center	<u>\$ 81,206</u>
Total	<u><u>\$ 81,206</u></u>

and be it further

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

RESOLUTION NO. 297-08 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved, effective July 29, 2008:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Linda Sato Adams	Staffing Specialist	Supervisor, Fine Arts

RESOLUTION NO. 298-08 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved, effective July 29, 2008:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Rhonda Dedmond	Assistant Principal, Sligo MS	Coordinator, Human Resources

RESOLUTION NO. 299-08 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved, effective July 29, 2008:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Travis Wiebe	Teacher, Burning Tree ES	Coordinator, Human Resources

RESOLUTION NO. 300-08 Re: **FY 2008 OPERATING BUDGET CATEGORICAL TRANSFER**

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

WHEREAS, Category 6, Special Education, reflected a deficit as of June 30, 2008, as a result of higher-than-expected tuition costs for nonpublic placement of special education students and lower-than-projected revenue for Medicaid; and

WHEREAS, Category 7, Student Personnel Services, reflected a deficit as of June 30,

2008, as a result of lower-than-expected lapse and turnover savings; and

WHEREAS, Category 9, Student Transportation, reflected a deficit as of June 30, 2008, as a result of higher-than-expected costs for bus fuel and personnel costs; and

WHEREAS, Category 12, Fixed Charges, reflected a deficit as of June 30, 2008, as a result of higher-than-anticipated costs in tuition reimbursement for employees and an increased contribution to the Employee Benefit Plan; and

WHEREAS, The required funds are available for transfer from Category 1, Administration; Category 2, Mid-level Administration; Category 3, Instructional Salaries; and Category 4, Textbooks and Instructional Supplies; now therefore be it

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following categorical transfers:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
1	Administration		\$ 2,000,000
2	Mid-level Administration		3,000,000
3	Instructional Salaries		4,000,000
4	Textbooks and Instructional Supplies		<u>3,000,000</u>
6	Special Education	\$4,100,000	
7	Student Personnel Services	200,000	
9	Student Transportation	4,600,000	
12	Fixed Charges	<u>3,100,000</u>	
	Total	<u>\$12,000,000</u>	<u>\$12,000,000</u>

and be it further

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

Resolved, That the county executive be requested to recommend approval of the categorical transfer to the County Council.

Re: **COMPREHENSIVE MASTER PLAN UPDATE**

Dr. Weast invited the following people to the table: Mr. Larry Bowers, chief operating officer; Dr. Frieda Lacey, deputy superintendent of schools; Ms. Jody Leleck, chief academic officer; Dr. Michael Perich, director, systemwide continuous improvement; and Dr. Marshall Spatz, director, Department of Management, Budget, and Planning.

On July 15, 2008, the Board of Education approved the revisions to *Our Call to Action: Pursuit of Excellence*—the strategic plan for the Montgomery County Public Schools (MCPS) 2008–2013. The revised strategic plan has served as the basis for updating the state-mandated Comprehensive Master Plan. Both plans continue to reinforce the initiatives that have been implemented since the Board of Education adopted *Our Call to Action* in November 1999. The strategic plan clearly establishes the direction and priorities for the school system for the next four years. The Comprehensive Master Plan responds to the requirements of the *Bridge to Excellence in Public Schools Act of 2002*, which requires an annual update for all school systems statewide. The annual update of the Comprehensive Master Plan for MCPS is submitted to you for your tentative approval. Final action on the Master Plan will be taken prior to October 15, 2008, when the plan must be submitted to the Maryland State Department of Education (MSDE).

The *Bridge to Excellence in Public Schools Act of 2002* (Senate Bill 856) required each local school system to develop, adopt, and implement a five-year comprehensive master plan. The initial plan was submitted in September 2003 to MSDE for review and approval. The comprehensive plan described the goals, objectives, and strategies that would be used to improve student achievement and meet Maryland's performance goals. In developing plans, school systems focused on strategies to accelerate academic excellence for all students and to eliminate achievement gaps among students. In addition, the *Bridge to Excellence in Public Schools Act* required school systems to integrate state, federal, and local funding into their master plans. During the 2003 legislative session, the General Assembly expanded the scope of the comprehensive master plans, under Senate Bill 498, to consider capital improvements that may be needed to implement the plans and the impact that strategies in the plans will have on public school facilities.

The state education aid formulas, enacted through the *Bridge to Excellence in Public Schools Act*, completed the final year of the six-year phase-in schedule in FY 2008. The budget adopted by the General Assembly at its 2007 special session suspended inflation adjustments for FY 2009 and FY 2010. This reduced funding for Montgomery County by \$17 million. Despite this reduced funding, all the mandated requirements of the *Bridge to Excellence in Public Schools Act* and the Master Plan remain in effect. However, the state decided to fund the amount required in the *Bridge to Excellence* legislation for the Geographic Cost of Education Index (GCEI). This increased state aid to Montgomery County by \$18 million, with a further \$12 million expected in FY 2010.

Re: **DISCUSSION**

Board members made the following suggestions:

Page 37—**Attendance Rates**—Ms. Cox noted that the goal is 94% attendance. When staff works with schools, they are actively encouraged to monitor student attendance and review when students are absent 10% of time or more for the school year. What is the reason for the discrepancy between the goal and the monitoring threshold? There could be better

language of what the expectation is for principals for in-school monitoring. Maybe the AYP attendance goal could be inserted into the plan. The focus at the elementary level develops good habits for students. Ms. Cox was not clear on what information was for MSDE and the public interested in this level of detail.

Page 39 and 41—**Drop Out Rates**—On page 39, Ms. Cox noted the drop out rate is below the state satisfactory standard of 3 percent. It speaks to areas of challenge, but the gaps between special education, general education students, and FARMS and non-FARMS students have decreased. On page 41, Ms. Cox pointed to the statement under Number 3, that there is an indication that the increase in rates in 2006 to 2007 was greater than the increase in 2005 to 2006. It speaks about Hispanic student rates increasing, African American rate increasing, lesser increase for White students, etc. This could be interpreted as the system decreased the gap by increasing the rates. Is there another explanation?

Page 45—**Highly Gifted Teachers**—Ms. Cox asked if this has been a requirement since the beginning of *No Child Left Behind* in 2001. The system is not necessarily successful in meeting the requirements in Item E—“some educators believed that the requirements would be discontinued or revised when governmental changes occurred. Also, many felt that more reasonable adjustments would be made in areas of special education. They did not concern themselves with compliance.” Ms. Cox pointed out that, given the amount of time the system has been working on this, this is not a valid rationale. Does staff have evidence to indicate that this is one of the barriers and that people are refusing to take this seriously? Ms. Cox suggested that the language be changed. The way it is worded now sounds like the blame is on the teacher.

Page 59—**Suspensions**—Ms. Cox pointed out the practices that have been successful in preventing and reducing suspensions. She suggested that staff reexamine this because it looks like MCPS “speak.” It mentions teacher empowerment, high expectations, transparency in partnership with community, community partnerships, focus staff development, and staff development focusing on successful strategies for engaging students. There is no mention of school action plans and Baldrige. There is no mention of improving home/school communications. She asked staff to review the statements to ensure that they are clear and not repetitive.

Page 68 to 69—**Global Screening Process**—Ms. Cox did not have a problem with exploring or looking at restructuring. Her problem was that it was spoken to as though there is no guidance provided by the Board; however, there must be direction from the Board on that activity. Please revise.

RESOLUTION NO. 301-08 Re: **COMPREHENSIVE MASTER PLAN UPDATE**

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

WHEREAS, The General Assembly enacted Senate Bill 856, *The Bridge to Excellence in Public Schools Act* on April 4, 2002, and on May 6, 2002, Governor Parris N. Glendening signed the Act into law; and

WHEREAS, The Act requires local school systems to submit annual updates of their five-year comprehensive master plans to the Maryland State Department of Education by October 15 of each year, to include prior year revenues and expenditures with the annual update; and

WHEREAS, On July 15, 2008, the Board of Education approved *Our Call to Action: Pursuit of Excellence*—the strategic plan for the Montgomery County Public Schools 2008–2013; and

WHEREAS, The strategic plan for the Montgomery County Public Schools contains goals and strategies to promote academic excellence among all students, and to eliminate performance gaps among identified subgroups of students; and

WHEREAS, The strategic plan for the Montgomery County Public Schools incorporates and imbeds the five goals of the *No Child Left Behind Act* and six focus areas of the *Bridge to Excellence in Public Schools Act*; and

WHEREAS, The strategic plan is the cornerstone of Montgomery County Public Schools' Comprehensive Master Plan; and

WHEREAS, The Montgomery County Public Schools' *Bridge to Excellence in Public Schools Act*—Comprehensive Master Plan fulfills all of the required components, including strategies and supporting documentation; now therefore be it

Resolved, That the Board of Education tentatively approves the updated Montgomery County Public Schools' *Bridge to Excellence in Public Schools Act*—Comprehensive Master Plan and will take final action on the Master Plan prior to October 15, 2008; and be it further

Resolved, That the Montgomery County Public Schools' staff submits the Comprehensive Master Plan to the county executive and County Council on or before August 15, 2008, as required by the Education Article of the Annotated Code of Maryland.

RESOLUTION NO. 302-08

Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mr. Abrams, 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 Thursday, August 21, 2008, in Room 120 of the Carver Educational Services Center to meet from 9:00 a.m. to 1:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

RESOLUTION NO. 303-08

Re: **REPORT OF CLOSED SESSION**

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

On July 15, 2008, by unanimous vote of members present, the Board of Education voted to conduct closed sessions, as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on July 15, 2008, from 9:00 to 10:10 a.m. and 1:45 to 2:10 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): T-2008-7, T-2008-11, T-2008-14, T-2008-18, T-2008-19, T-2008-22, DCC-2008-23, NEC-2008-24, 2008-12, 2008-13, and 2008-15.
2. Discussed the Human Resources Monthly Report and Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
3. Received legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*.

4. Discussed matters of an administrative function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed sessions were Steve Abrams, Aggie Alvez, Christopher Barclay, Larry Bowers, Shirley Brandman, Patrick Clancy, Sharon Cox, Judy Docca, Brian Edwards, Roland Ikheloa, Suzann King, Frieda Lacey, Quratul-Ann Malik, Nancy Navarro, Patricia O'Neill, Glenda Rose, Laura Steinberg, and Jerry Weast.

RESOLUTION NO. 304-08 Re: **APPEALS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mr. Abrams, 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 10-503(a) of the *State Government Article*; now therefore be it

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

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
T-2008-21	Student Transfer	Reversed
T-2008-27	Student Transfer	Reversed
T-2008-29	Student Transfer	Reversed
DCC-2008-30	Student Assignment	Affirmed
NEC-2008-33	Student Assignment	Affirmed
NEC-2008-39	Student Assignment	Affirmed
DCC-2008-41	Student Assignment	Affirmed
2008-14	International Baccalaureate	Affirmed
2008-18	International Baccalaureate	Affirmed
2008-19	Magnet Program	Affirmed
2008-20	Magnet Program	Affirmed
2008-22	Magnet Program	Affirmed
2008-23	Magnet Program	Affirmed
2008-26	Magnet Program	Affirmed
2008-21	Early Entrance to Kindergarten	Affirmed
2008-27	Early Entrance to Kindergarten	Affirmed
T-2008-20	Student Transfer	Affirmed
T-2008-28	Student Transfer	Affirmed
T-2008-31	Student Transfer	Affirmed
T-2008-34	Student Transfer	Affirmed

RESOLUTION NO. 305-08 Re: **RECONSTITUTING THE AUDIT COMMITTEE**

On motion of Audit Committee, the following resolution was adopted unanimously:

WHEREAS, On September 13, 1980, the Board of Education passed a resolution creating an Audit Committee, which was given responsibilities for reviewing internal audit reports, meeting with the external auditors to discuss the scope of their work and their audit findings, and reviewing reports generated by the Department of Financial Services; and

WHEREAS, On November 13, 1980, the Board adopted a set of procedures and responsibilities regarding the appointment, terms of office, and meetings of the committee, and the committee's relationship to internal audit, external audit, and the Montgomery County Public Schools' business functions; and

WHEREAS, The Board desires a process within the committee for reviewing issues pertaining to the management and audit of Montgomery County Public Schools' fiscal, capital, and human resources, including the Board's operating budget, the Capital Improvement Program, staffing plans, and allocations; now therefore be it

Resolved, That the Audit Committee be renamed the Fiscal Management Committee; and be it further

Resolved, That the Committee's Procedures and Responsibilities be revised as follows:

FISCAL MANAGEMENT COMMITTEE PROCEDURES AND RESPONSIBILITIES

A. Procedures

The Fiscal Management Committee shall consist of three members, elected by the full Board, serving staggered terms of three years each. The term of office shall begin on December 1 of the year of appointment and end three years later on November 30. If a member resigns from the committee or is unable to serve his/her full term, the Board shall appoint another member to serve the balance of the term. Eligibility for appointment to the Fiscal Management Committee shall be limited to members of the Board of Education whose remaining terms of office with the Board are equal to or greater than the terms for which they are appointed on the Fiscal Management Committee. The chairperson of the Fiscal Management Committee shall be elected by the full Board at its annual organizational meeting in December.

Regular meetings of the Fiscal Management Committee shall be held quarterly. Special meetings may be called by the chairperson or at the request of either of the other members

to the chairperson. As required by law, the superintendent of schools or his designee shall attend all meetings of the committee.

The Board office in collaboration with the superintendent's office shall provide staff assistance to keep minutes of each regular and special meeting of the committee and to prepare correspondence and other documents necessary to the transaction of the committee's business. Copies of the minutes of each regular and special meeting of the committee shall be furnished to the Board of Education, together with the committee's recommendations, if any, concerning the subject matter of the meeting. The minutes and the agenda shall be posted on the Board's website as soon as they are available.

B. Relationship to Internal Audit

1. The superintendent of schools shall report periodically to the committee on the internal audit activities of the school system.
2. The superintendent of schools shall furnish the committee with copies of all audit reports which contain significant findings and/or recommendations, and, upon request, any other audit or study reports.
3. The committee shall meet with appropriate Montgomery County Public Schools staff from time to time to discuss its internal audit reports and operations.

C. Relationship to External Audit

1. The superintendent shall keep the committee informed of any plans to change the external auditors or to make major changes in the scope of the audit contract. The committee shall make recommendations to the Board of Education regarding the approval of the audit contract.
2. The committee shall meet with the external auditors and appropriate MCPS staff to discuss the auditors' management letter and shall make recommendations to the Board of Education, as appropriate, regarding specific items in the management letter.

D. Relationship to the Operating and Capital Budgets

1. The committee shall receive copies of the annual financial statements and shall meet with the superintendent's designee to review the statements.
2. The superintendent shall provide the committee with such interim financial statements and data as the committee may request.
3. The committee shall undertake periodic reviews of issues pertaining to the management and audit of Montgomery County Public Schools' fiscal, capital, and human resources, including the Board's operating budget, the Capital Improvement Program, staffing plans, and allocations.

Re: **NEW BUSINESS**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following new business item was introduced:

WHEREAS, The Special Education Advisory Committee (SEAC) exists to provide stakeholder input and advise Montgomery County Public Schools (MCPS) staff regarding issues related to special education; and

WHEREAS, The Montgomery County Council of PTAs (MCCPTA) is a membership organization that is not required to represent the interests of nonaffiliated schools; and

WHEREAS, Issues related to two of three of our current special education center facilities have only been included in PTA cluster comments in one of the last five years; now, therefore, be it

Resolved, That the SEAC's charge be amended to include acting as a cluster (as defined in FAA-RA) in identifying and providing comments and testimony regarding facility-related interests of the school communities served by special education centers; and, be it further

Resolved, That staff from the Department of Special Education and the Department of Facilities Management work with the leadership of SEAC to provide information and support equivalent to that provided PTA clusters, to help the committee fulfill this charge; and, be it further

Resolved, That the Board of Education will allot SEAC the same amount of time as a PTA cluster during public hearings on facilities issues

RESOLUTION NO. 306-08 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of July 28, 2008, at 8:20 p.m.

PRESIDENT

SECRETARY

JDW:gr

Resolution	Abrams	Barclay	Brandman	Cox	Docca	Malik	Navarro	O'Neill
Comprehensive Master Plan	A	A	A	A	A	A	A	A

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

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

July 28, 2008

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