

Baltimore County Board of Education
MINUTES OF CLOSED SESSION
AND
EDUCATION TRANSPARENCY ACT DESCRIPTION
Tuesday, February 11, 2020

OPEN SESSION MINUTES

The Board of Education of Baltimore County held a regularly scheduled meeting on Tuesday, February 11, 2020, at 5:07 p.m., Building E, 6901 Charles Street, Towson, Maryland. Chair Kathleen S. Causey, and the following Board members were present: Vice Chair Julie C. Henn, Ms. Moalie S. Jose, Mr. Russell T. Kuehn, Ms. Lisa A. Mack, Mr. Rodney R. McMillion, Mr. John H. Offerman, Jr., Ms. Cheryl E. Pasteur, Ms. Lily P. Rowe, Ms. Makeda Scott, Student Member Omer Reshid, and Superintendent Dr. Darryl L. Williams.

CLOSED SESSION MINUTES

Pursuant to the Annotated Code of Maryland, General Provisions Article, §3-305 (b)(1), (b)(7), (b)(8), and (b)(9), upon motion of Ms. Rowe, seconded by Ms. Mack, and approved (favor - 11), the Board commenced its closed session at 5:08 p.m. Chair Kathleen S. Causey, and the following Board members were present: Vice Chair Julie C. Henn, Ms. Moalie S. Jose, Mr. Russell T. Kuehn, Ms. Lisa A. Mack, Mr. Rodney R. McMillion, Mr. John H. Offerman, Jr., Ms. Cheryl E. Pasteur, Ms. Lily P. Rowe, Ms. Makeda Scott, and Student Member Omer Reshid. In addition, Superintendent, Dr. Darryl L. Williams, and the following staff members were present: Mr. D. Mychael Dickerson, Chief of Staff; Ms. Maria Lowry, Acting Chief Human Resources Officer; Margaret-Ann F. Howie, Esquire, General Counsel; Andrew Nussbaum, Esquire, Counsel to the Board of Education; J. Stephen Cowles, Esquire, Deputy General Counsel; and Ms. Tracy Gover, Senior Executive Assistant to the Board.

Ms. Lowry presented personnel matters to be considered at tonight's meeting including retirements, resignations, leaves, recognition of service, certificated appointments, and administrative appointments. Ms. Lowry left the room at 5:10 p.m.

Ms. Mack provided an update regarding the Superintendent's evaluation and next steps.

On the motion of Ms. Mack, seconded by Ms. Pasteur, the Board permitted the student member of the Board to attend the closed session regarding collective bargaining matters as provided by Section 3-2B-05 (b)(3) of the Education Article of the Annotated Code of Maryland. (favor - 11)

Ms. Lowry and Mr. George Duque, Manager, Office of Staff Relations and Performance Management, entered the room at 5:13 p.m., and updated the Board regarding negotiations with CASE, TABCO, BCPSOPE, ESPBC, and AFSCME.

Ms. Mack left the room at 5:40 p.m. and returned at 5:42 p.m.

Ms. Lowry and Mr. Duque left the room at 5:58 p.m.

Ms. Causey recessed the closed session at 5:58 p.m. and reconvened at 6:08 p.m.

Mr. McMillion entered the room at 6:10 p.m.

Mr. Cowles provided an update on special education cases heard before the Office of Administrative Hearings. Ms. Howie provided an update on litigation currently handled by the Maryland Association of Boards of Education Group Insurance Pool regarding employee misconduct; recent decisions of the Maryland State Board of Education; as well as an update on an investigation that could result in litigation.

Mr. Reshid left the room at 6:18 p.m. and returned at 6:20 p.m.

Ms. Mack left the room at 6:19 p.m. and returned at 6:22 p.m.

Ms. Scott left the room at 6:20 p.m. and returned at 6:22 p.m.

Mr. Nussbaum provided legal advice related to Board communications related to a school matter and advice on land disposition that was requested at the Building and Contracts committee meeting.

Ms. Pasteur left the room at 6:25 p.m. and returned at 6:31 p.m.

Ms. Causey recessed the closed session at 6:32 p.m. to be reconvened at the end of open session.

EDUCATION TRANSPARENCY ACT DESCRIPTION

In accordance with the Education Transparency Act, Md. Ed. Code Ann., §3-2B-09(b)(3) (effective July 1, 2018), the following represents a full and accurate description of the final actions of the Board of Education taken at its public meeting of February 11, 2020. If there is a discrepancy between the video and this description, the video, which constitutes the official minutes of the meeting, shall control. The official minutes can be found online at <https://vimeo.com/391013819> (Part 1) and <https://vimeo.com/391042175> (Part 2).

CONSIDERATION OF THE AGENDA

The agenda was adopted as presented.

NEW BUSINESS

Personnel Matters

On the motion of Ms. Rowe, seconded by Ms. Pasteur, the Board approved the personnel matters listed in Exhibit E-1 through E-5. (favor – 11)

On the motion of Ms. Mack, seconded by Ms. Pasteur, the Board approved the administrative appointments listed in Exhibit F-1. (favor - 11)

Ms. Jose left the room at 7:27 p.m. and returned at 7:30 p.m.

Ms. Rowe left the room at 7:55 p.m. and returned at 7:57 p.m.

Contract Awards

Ms. Henn presented items L-1 through L-2 and L-4 through L-7 to the full Board for approval. Ms. Causey requested to separate Item L-3 for discussion. Item L-8 was brought to the full board without a recommendation.

Ms. Scott left the room at 8:08 p.m.

On the motion of Ms. Mack, the Board approved the contracts as presented in Exhibit L-1 through L-2 and L-4 through L-7. (favor – 10)

Exhibit Number	Contract Number	Contract Name
1.	JNI-768-16	Modification: Resources for Students with Cognitive Disabilities
2.	LKO-400-19	Modification: Electronic Health Record (EHR) Software for PreK–12
4.	CWA-106-20	Temporary Staffing for Accounting and Fiscal-Related Positions
5.	MBU-513-20	Fire Alarm System Upgrade at Deer Park Middle School
6.	MBU-513-20	Fire Alarm System Upgrade at Perry Hall Middle School
7.	JBO-702-20	Seneca Elementary School Chiller and Dual Temperature Piping Replacement

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
O. Reshid	X			
J. Henn	X			
K. Causey	X			
M. Jose	X			
R. McMillion	X			
L. Mack	X			
M. Scott				X
L. Rowe	X			
Total	10	0	0	1

Ms. Scott returned to the room at 8:12 p.m.

On the motion of Ms. Jose, the Board approved the contract as presented in Exhibit L-3. (favor – 11)

3.	JNI-761-16	Modification: Meeting Space
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On the motion of Ms. Henn, seconded by Mr. Offerman, the Board accepted staff’s recommendation to deny the request presented in Exhibit L-8. (favor – 10) Mr. McMillion recused himself from the vote.

8.		Orems Elementary School – Property Encroachments
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Mr. Kuehn left the room at 8:26 p.m. and returned at 8:28 p.m.

Ms. Jose left the room at 8:27 p.m. and returned at 8:28 p.m.

Mr. Offerman left the room at 8:29 p.m. and returned at 8:31 p.m.

FY2021 Capital Budget Supplement

On the motion of Ms. Rowe, seconded by Ms. Henn, the Board approved the FY2021 Capital Budget Supplement as presented in Exhibit M. (favor – 10) The student board member is not eligible to vote on this item.

Ms. Causey recessed the open session at 8:32 p.m. and reconvened at 8:44 p.m.

UNFINISHED BUSINESS

Board of Education Policies (Second Reading)

On the motion of Ms. Mack, the Board approved (favor – 10) the recommendation of the Board’s Policy Review Committee to amend the following Board policies:

1. Policy 5110 – Admission
2. Policy 5460 – (renumbered to 5570) – Searches
3. Policy 5500 – Code of Student Conduct
4. Policy 8120 – Purpose, Role, and Responsibilities of the Board of Education

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
O. Reshid	X			
J. Henn	X			
K. Causey	X			
M. Jose			X	
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	10	0	1	0

Superintendent’s Proposed FY2021 Operating Budget

The Student Member of the Board, Mr. Reshid, was not eligible to vote on items related to the proposed operating budget.

Ms. Jose left the room at 9:51 p.m. and returned at 9:54 p.m.

Ms. Pasteur left the room at 9:58 p.m. and returned at 10:03 p.m.

Ms. Jose left the room at 9:59 p.m. and returned at 10:01 p.m.

On the motion of Ms. Rowe, seconded by Ms. Henn, the Board approved an amendment to the FY2021 budget to make employees who are not represented by any bargaining unit ineligible for pay increases that are greater in percentage than the increase given to the bargaining unit which is given the least percent increase. Percentage increases may be averaged across the bargaining unit for that year to determine an average percent increase and added to a COLA (cost of living adjustment) increase to establish a maximum percentage increase allowable for employees not represented by a bargaining unit. Current terms of employment contracts and legally mandated increases in the minimum wage would take precedence over this motion. (favor – 6)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur			X	
J. Offerman			X	
J. Henn	X			
K. Causey	X			
M. Jose			X	
R. McMillion	X			
L. Mack	X			
M. Scott			X	
L. Rowe	X			
Total	6	0	4	0

On the motion of Ms. Causey, seconded by Ms. Mack, the Board approved the restoration of staffing for the Office of Advanced Academics to levels shown on page 250 of the FY2021 Proposed Budget Book: one coordinator, one administrative assistant, and four resource teachers. (favor – 9)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose			X	
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	9	0	1	0

On the motion of Ms. Mack, seconded by Ms. Rowe, the Board approved an amendment to the FY2021 budget to reflect that all employees represented by bargaining units (TABCO, CASE, ESPBC, AFSCME, and OPE) receive a 2% COLA. (favor – 10)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose	X			
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	10	0	0	0

On the motion of Ms. Mack, seconded by Ms. Henn, the Board approved an amendment to the FY2021 budget to reflect that all TABCO-represented employees who have reached step 30 receive a \$2,000 longevity bonus. (favor – 10)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose	X			
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	10	0	0	0

On the motion Ms. Mack, seconded by Ms. Causey, the Board approved an amendment to the FY2021 budget to provide a \$1,000 longevity bonus to all CASE-represented employees who have reached step 20. (favor – 10)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose	X			
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	10	0	0	0

On the motion of Ms. Mack, seconded by Mr. McMillion, the Board approved an amendment to the FY2021 budget to provide paraeducators with devices. (favor – 9)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose			X	
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	9	0	1	0

On the motion of Ms. Mack, seconded by Ms. Rowe, the Board terminated the Innovative Learning Contract ARA-210-19 for Culture Grams, SIRs Discover, and SIRs Issue Researcher, which has a collective contract spending authority of \$300,000, because from July 1, 2019 through January 14, 2020, all three products had only 464 views, which equates to a per view cost for \$107. (favor – 7)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur			X	
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose			X	
R. McMillion	X			
L. Mack	X			
M. Scott			X	
L. Rowe	X			
Total	7	0	3	0

On the motion of Mr. McMillion, seconded by Ms. Causey, the Board approved an amendment to the FY2021 budget so that all 24 BCPS high school athletic directors currently working 10 months be increased to 12-month employment and continue to receive their extended day assignment stipends for each of the three sporting seasons. (favor – 10)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose	X			
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	10	0	0	0

On the motion of Ms. Henn, seconded by Ms. Rowe, the Board approved an amendment to the FY2021 budget to redirect 10% of funds currently budgeted for digital subscriptions and software license fees (approximately \$262,119) to magnet programs. (favor – 6)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur			X	
J. Offerman			X	
J. Henn	X			
K. Causey	X			
M. Jose			X	
R. McMillion	X			
L. Mack	X			
M. Scott			X	
L. Rowe	X			
Total	6	0	4	0

On the motion of Ms. Henn, seconded by Ms. Rowe, the Board approved an amendment to the FY2021 to increase the proposed Magnet Office budget by \$387,000 to restore its funding to the FY2019 levels. (favor – 8)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur			X	
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose			X	
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	8	0	2	0

Mr. Reshid left the meeting at 11:26 p.m.

Mr. Offerman left the room at 11:27 p.m. and returned at 11:30 p.m.

Ms. Jose left the room at 11:28 p.m. and returned at 11:30 p.m.

Ms. Scott left the room at 11:29 p.m. and returned at 11:30 p.m.

On the motion of Ms. Scott, seconded by Ms. Jose, the Board approved an amendment to the FY2021 budget to provide child care to parents attending board meetings during the first regularly scheduled board meeting of each month starting in July, on a first-come, first-served basis for children ages two years and older. (favor – 10)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman	X			
J. Henn	X			
K. Causey	X			
M. Jose	X			
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	10	0	0	0

Ms. Jose left the meeting at 11:45 p.m.

Mr. Offerman left the meeting at 12:00 a.m.

Ms. Henn moved to amend the FY2021 budget by redirecting \$120,000 from Network Support Services – Contracted Services to Internal Audit for the creation of a 1.0 professional FTE for an IT auditor reporting to the Board. The motion was seconded by Ms. Rowe. The motion failed.

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur			X	
J. Offerman				X
J. Henn	X			
K. Causey	X			
M. Jose				X
R. McMillion		X		
L. Mack	X			
M. Scott			X	
L. Rowe	X			
Total	5	1	2	2

On the motion of Ms. Henn, seconded by Mr. Kuehn, the Board approved an amendment to the FY2021 budget to increase Technology Support Services – Supplies and Materials by \$630,000 for the purchase and installation of 14 digital school signs, 2 per councilmanic district. (favor – 8)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman				X
J. Henn	X			
K. Causey	X			
M. Jose				X
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	8	0	0	2

On the motion of Ms. Henn, seconded by Mr. McMillion, the Board approved an amendment to the FY2021 budget to increase the Department of Facilities Management budget by \$1.4 million to repair, maintain, and resurface, if necessary, seven high school running tracks, one per councilmanic district. (favor – 8)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman				X
J. Henn	X			
K. Causey	X			
M. Jose				X
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	8	0	0	2

Ms. Causey moved to amend the FY2021 budget by increasing the Board of Education salaries and wages budget by \$149,000 for the restoration of a 1.0 professional FTE position for an ombudsman to respond to BCPS stakeholders, and to amend the FY2021 budget by redirecting the vacant Chief Communications Officer position funds to a Board of Education 1.0 professional FTE for a Chief of Staff supporting the Board. Ms. Henn seconded the motion.

Ms. Causey amended her motion to remove the request to redirect the Chief Communications Officer position for a 1.0 professional FTE for a Chief of Staff supporting the board, and it was accepted by Ms. Henn.

Ms. Causey further amended her motion to amend the FY2021 budget by increasing the Board of Education salaries and wages budget by \$149,000 for the restoration of a 1.0 professional FTE position for an ombudsman to respond to BCPS stakeholders to report to the Board. Ms. Henn accepted the amended motion. The motion passed. (favor – 8)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman				X
J. Henn	X			
K. Causey	X			
M. Jose				X
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	8	0	0	2

On the motion of Ms. Rowe, seconded by Ms. Causey, the Board approved an amendment to the FY2021 to add \$15 million to the budget to provide the school system with “funding flexibility” to negotiate with bargaining units for adding between 10 and 15 minutes to the school day. (favor – 8)

Board Member	Favor	Opposed	Did Not Vote/ Abstention	Absent
R. Kuehn	X			
C. Pasteur	X			
J. Offerman				X
J. Henn	X			
K. Causey	X			
M. Jose				X
R. McMillion	X			
L. Mack	X			
M. Scott	X			
L. Rowe	X			
Total	8	0	0	2

Ms. Pasteur left the meeting at 12:57 a.m.

CLOSED SESSION MINUTES Continued

Ms. Causey reconvened the closed session at 12:58 a.m., February 12, 2020.

Ms. Causey presented the Board’s closed session minutes of Tuesday, January 11, 2020, for review and consideration. The minutes were approved as presented.

On the motion of Ms. Rowe, seconded by Ms. Scott, the Board adjourned its closed session at 1:00 a.m., February 12, 2020.

*Submitted for posting on the Web site on February 14, 2020.
 Corrected February 24, 2020.*