MEMORANDUM

To: Members of the Board of Education

From: Jack R. Smith, Superintendent of Schools

Subject: Report of Previous Closed Session

On April 29, 2019, the Board of Education voted unanimously to conduct a closed session, as permitted under the Education Article Section 4-107(d) and the General Provisions Article Section 3-305(b) et seq., of the Annotated Code of Maryland.

The Board of Education of Montgomery County met in closed session on April 29, 2019, from 4:07 p.m. to 5:28 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Considered appeals regarding student transfers, a student discipline appeal, and a Complaint from the Public, in its quasi-judicial capacity outside the purview of the Open Meetings Act. The Board of Education decided the matters as follows:

   **Board Appeal No. T-2019-3:** Mrs. O’Neill moved, and Dr. Docca seconded, to affirm the decision of the superintendent’s designee to deny the transfer request. Mrs. Evans, Mrs. O’Neill, Dr. Docca, and Ms. Wolff voted to affirm the decision, and Ms. Dixon, Ms. Silvestre, Mrs. Smondrowski, and Ms. Tadikonda voted not to affirm the decision. The Board of Education was unable to attain the five votes necessary to affirm or reverse the decision of the superintendent’s designee; accordingly, the decision of the superintendent’s designee stands.

   **Board Appeal No. T-2019-6:** On motion of Mrs. Smondrowski and seconded by Mrs. O’Neill, the Board of Education voted to affirm the decision of the superintendent’s designee to deny the transfer request with Mrs. Evans, Mrs. O’Neill, Dr. Docca, Ms. Silvestre, Mrs. Smondrowski, Ms. Tadikonda, and Ms. Wolff voting to affirm the decision, and with Ms. Dixon voting not to affirm the decision.
Board Appeal No. 2019-7: On motion of Mrs. O’Neill and seconded by Dr. Docca, the Board of Education unanimously voted to adjudicate Board Appeal No. 2019-7 on the written record. On motion of Ms. Dixon and seconded by Mrs. O’Neill, the Board of Education unanimously voted to affirm the decision of the superintendent’s designee.

Board Appeal No. 2019-9: On motion of Ms. Dixon and seconded by Mrs. O’Neill, the Board of Education unanimously voted to adjudicate Board Appeal No. 2019-9 on the written record. On motion of Ms. Dixon and seconded by Mrs. O’Neill, the Board of Education unanimously voted to affirm the decision of the superintendent’s designee to deny the Complaint from the Public.

2. Received from the superintendent of schools information about the administration of the school system, including an update regarding the Dine with Dignity program; an update regarding the non-profit community partnership between Paint Branch High School and faith-based organizations; an update regarding the use of keyfobs by Montgomery County Police during emergency situations and active assailant drills; an update regarding the student activity fund; and a discussion regarding the Board’s strategy, positions, and parameters in the context of the Fiscal Year 2020 Capital Budget Strategy, which are all administrative functions outside the purview of the Open Meetings Act and to the extent any individuals were discussed, as permitted under Section 3-305(b)(1) of the General Provisions Article.

3. Received a briefing by the superintendent of schools on the following Human Resources and Development appointment, as permitted under Section 3-305(b)(1) of the General Provisions Article: director, Leadership Development Unit.

4. Discussed with the superintendent of schools the Board’s strategy, positions, and parameters regarding the impact of the Kirwan legislation and the 2019-2020 Innovative School Year Calendar on contract negotiations, as permitted by General Provisions Article, Section 3-305(b)(9), which discussions must remain confidential to protect the negotiation strategy of the Board.

5. Discussed with the superintendent of schools the status of actions taken by the County Council in the context of Fiscal Year 2020 Operating Budget Strategy, which was an administrative function outside the purview of the Open Meetings Act.

6. Received legal advice regarding criminal proceedings and investigations of potential criminal conduct concerning an incident at Damascus High School and information from staff about these proceedings and investigation, which advice was shared in closed session to prevent disclosure of the Board’s legal position or strategy in ongoing litigation; to prevent disclosures that would negatively impact the Board’s position with regard to pending litigation; to maintain confidentiality of student records and personnel matters, which may not be disclosed publicly pursuant to state and federal law; and to maintain
confidentiality with regard to the current status of ongoing and potential litigation, which advice was shared in closed session to preserve attorney-client privilege and was permissible pursuant to General Provisions Article, Sections 3-305(b)(1), 3-305(b)(7), 3-305(b)(8), 3-305(b)(12), and 3-305(b)(13).

7. Received legal advice regarding litigation involving peace orders applicable to students and information from staff about these proceedings and related criminal investigations, which advice was shared in closed session to prevent disclosure of the Board’s legal position or strategy in ongoing litigation; to prevent disclosures that would negatively impact the Board’s position with regard to a pending litigation; to maintain confidentiality of student records, which may not be disclosed publicly pursuant to state and federal law; to maintain confidentiality with regard to the current status of ongoing litigation, which advice was shared in closed session to preserve attorney-client privilege and was permissible pursuant to General Provisions Article, Sections 3-305(b)(7), 3-305(b)(8), 3-305(b)(12), and 3-305(b)(13).

8. Received a briefing from the superintendent of schools on the Monthly Human Resources and Development Report, with a subsequent vote in open session, which was an administrative function outside the purview of the Open Meetings Act, and given that individual employees were discussed, as permitted under Section 3-305(b)(1) of the General Provisions Article.

In attendance at the closed session were Shebra L. Evans, Patricia O’Neill, Jeanette E. Dixon, Judith Docca, Karla Silvestre, Rebecca Smundrowski, Brenda Wolff, Ananya Tadikonda, Lori-Christina Webb, Suzann M. King, Danielle M. Susskind, and Victoria Van Dyke (recorder). At 4:41 p.m., Heather L. Mitchell left the meeting via speakerphone. At 4:42 p.m., the following staff members joined the meeting: Jack R. Smith, Andrew M. Zuckerman, Maria V. Navarro, Kimberly A. Statham, Henry R. Johnson, Joshua I. Civin, Essie McGuire, Nicola Diamond, Derek G. Turner, Sherwin Collette, Linda Ferrell, Darlene Harris, and Diane Morris. At 5:07 p.m., Dr. Judith Docca left the meeting.

Closed session adjourned at 5:28 p.m.

JRS:vvd