WHEREAS, The Board of Education of Montgomery County is authorized by the Education Article, Section 4-107(d), and General Provisions Article, Section 3-305(b) et seq., 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 conduct a closed session on May 14, 2019, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 9:30 a.m. to approximately 12:00 p.m., in order to discuss and consider:

a. Various quasi-judicial matters outside the purview of the Open Meetings Act, which shall be summarized in the Report of Previous Closed Session;

b. Various administrative matters outside the purview of the Open Meetings Act, which shall be summarized in the Report of Previous Closed Session;

c. The Human Resources and Development Report from the superintendent of schools, which is an administrative function and outside the purview of the Open Meetings Act, and to the extent any individual employee is discussed, as permitted under Section 3-305(b)(1) of the General Provisions Article;

d. Personnel matters, including the appointment, employment, assignment, promotion, discipline, compensation, resignation and/or performance evaluation of possible future appointees or current employees, and any matters related to and stemming from the discussion that is likewise permissible under General Provisions Article, Section 3-305(b)(1), which must take place in closed session to allow Board members
to discuss the qualifications of the candidates in a candid manner, protect the privacy of the confidential, personal information of the individuals discussed, and/or to prevent any harm to the reputation of any individuals discussed;

e. The Equal Employment Opportunity Report and the Sexual Harassment Report from the superintendent of schools, which are administrative functions and outside the purview of the *Open Meetings Act*, and to the extent any individual employee is discussed, as permitted under Section 3-305(b)(1) of the *General Provisions Article*;

f. The Board’s strategy, positions, and parameters concerning collective bargaining negotiations, permitted by *General Provisions Article*, Section 3-305(b)(9), and to receive legal advice in connection therewith, permitted by *General Provisions Article*, Section 3-305(b)(7), which discussions must remain confidential to protect the negotiation strategy of the Board and to protect and maintain attorney-client privilege; moreover, to the extent that these matters are discussed in the context of Fiscal Year 2020 Operating Budget Strategy, and how such matters may impact the formulation of the budget, they are administrative matters outside of the purview of the *Open Meetings Act*;

g. 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 must be shared in closed session to prevent disclosure of the Board’s legal position or strategy in ongoing litigation; to prevent disclosures that may negatively impact the Board’s position with regard to a 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 must be shared in closed session to preserve attorney-client privilege and is 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); and

h. Legal advice regarding a pending investigation by the U.S. Department of Education involving the middle school magnet selection process and information from staff about these legal proceedings, which advice must be shared in closed session to prevent disclosure of the Board’s legal position or strategy in ongoing legal proceedings; to prevent disclosures that may negatively impact the Board’s position with regard to pending legal proceedings; 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 legal proceedings, which advice must be shared in closed session to preserve attorney-client privilege and is permissible pursuant to *General Provisions Article*, Sections 3-305(b)(7), 3-305(b)(8), and 3-305(b)(13);
Legal advice regarding litigation concerning criminal proceedings and a pending litigation matter regarding employee misconduct and information from staff about this litigation matter, which advice must be shared in closed session to prevent disclosure of the Board’s legal position or strategy in ongoing litigation; to prevent disclosures that may 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 federal and state law; to maintain confidentiality of legal advice with regard to the current status of ongoing and pending litigation, which advice must be shared in closed session to preserve attorney-client privilege and is 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); and be it further

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

JRS:vvd