

MINUTES

Fairfax County School Board Luther Jackson Middle School

Regular Meeting No. 9

December 2, 2004

1. **CLOSED MEETING**

TAPE REFERENCE: 2-0194

Chairman Kathy Smith convened the Board in public session at 6:08 p.m. with a quorum of members present. Mrs. Strauss moved, and Mrs. Kory seconded, that the Board go into closed session 1) to discuss the appointment and performance of specific public employees pursuant to Virginia Code Section 2.2-3711(A)(1); 2) to discuss and consider disciplinary matters concerning students pursuant to Virginia Code Section 2.2-3711(A)(2); 3) to discuss the acquisition of real property for public purposes, and the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Virginia Code Section 2.2-3711(A)(3); and 4) to protect the privacy of individuals in personal matters not related to public business pursuant to Virginia code Section 2.2-3711(A)(4). The motion **passed 10-0**, with Mrs. Belter, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting "aye".

2. **MEETING OPENING**

TAPE REFERENCE: 2-0232

**2.01 Call to Order/Pledge of Allegiance/Moment of Silence/National Anthem—
Glasgow Middle School Choral and Instrumental Ensemble**

Chairman Smith convened the meeting at 8:00 p.m. with a quorum of Board members:

Catherine A. Belter (Springfield)	Phillip A. Niedzielski-Eichner (Providence)
Brad Center (Lee; arr. 6:10)	Janet S. Oleszek (At Large)
Stuart D. Gibson (Hunter Mill, <i>Absent</i>)	Kathy L. Smith (Sully)
Stephen M. Hunt (At Large)	Daniel G. Storck (Mt. Vernon)
Kaye Kory (Mason)	Jane K. Strauss (Dranesville)
Ilryong Moon (At Large)	Tessie Wilson (Braddock)

Also present were student representative to the Board Ian Hurdle; Division Superintendent Jack D. Dale, Chief Academic Officer Brad Draeger; Executive Assistant and Clerk of the Board Pamela Goddard; Deputy Clerk of the Board Linda Sabo; and certain other members of staff.

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2.02 Certification of Closed Meeting Compliance (Exhibit A)

Mrs. Strauss moved, and Mr. Storck seconded, that since the Fairfax County School Board convened a closed session meeting on December 2, 2004, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and since Section 2.1-344(D) of the Code of Virginia required a certification by the School Board that such closed meeting was conducted in conformity with Virginia law, the Fairfax County School Board hereby certifies that, to the best of each member's knowledge, 1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered. The motion **passed 11-0**; with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting "aye"; and with Mr. Gibson absent.

2.03 Announcements

Chairman Smith announced that Mr. Gibson was out of town. Chairman Smith recognized Boy Scouts from Troop 577 of Clifton, Troop 1130 of McLean, and Troop 1313 of Reston.

Dr. Dale said he was pleased to announce the appointment of Dr. Pat Murphy as Cluster VI Director.

Mrs. Belter moved, and Mrs. Wilson seconded, to appoint Patrick K. Murphy, as Cluster Director VI of the Robinson-Lake Braddock-West Springfield pyramid, effective December 20, 2004, and authorize the chairman to execute a contract reflecting these actions. The motion **passed 11-0**, with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mr. Storck, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voting "aye"; and with Mr. Gibson absent.

Vice Chairman Kory announced that FCPS would recognize Pearl Harbor Remembrance Day on December 7.

Chairman Smith announced that at a joint meeting of the School Board and Fairfax County Board of Supervisors (BOS) on November 29, discussion had included the FY 2006 fiscal forecast, analysis of demographic trends in Fairfax County, community use of school facilities, and the proposed central administrative building; and that three subsequent joint meetings had been scheduled over the next six months.

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3. **PRESENTATIONS TO SCHOOL BOARD**

TAPE REFERENCE: 2-0499

3.01 **Spotlight on Learning—McLeadership at McLean High School** (Exhibit B)

Dr. Dale introduced McLean High School Assistant Principal Michael Wojciechowski and teacher Michael Click, who discussed the mentoring program to support freshmen.

3.02 **Citizen Participation** (Exhibit C)

Nine speakers addressed the Board in the time reserved for public comment.

4. **CONSENT AGENDA**

TAPE REFERENCE: 2-1833

4.01. **Minutes** – Approve minutes of the November 16, 2004, regular School Board meeting (Exhibit D)

4.02 **School Board Policy** – Adopt Policy 7325.1, External Video Surveillance, as discussed and reviewed by the Legislation, Policy, and Future Issues Committee (FTS; Exhibit E)

Chairman Smith stated that, without objection, the two items on the consent agenda would be adopted. Hearing no objection, the consent agenda **passed 11-0**, with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting “aye”; and with Mr. Gibson absent.

5. **OTHER ACTION ITEMS**

TAPE REFERENCE: 2-1862

5.01 **FY 2005 Midyear Budget Review** – Approve revenue and expenditure changes reflected in the FY 2005 midyear budget review, as detailed in the agenda item (FS; Exhibit F)

Mrs. Strauss moved, and Mr. Niedzielski-Eichner seconded, that the Board approve revenue and expenditure changes reflected in the FY 2005 midyear budget review, as detailed in the agenda item.

Discussion included the following: that he would support the motion but expected that specific details regarding the expenditures and results of the teacher-coaches proposal would be provided to the Board by May (Hunt); that

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staff members were working with individual schools to design specific interventions based on recent test results; that the funding requested would finance plans that were currently being developed, and could be considered a placeholder (Dale); the question how many schools did not make Adequate Yearly Progress (AYP) that would require specific interventions (Strauss); that 29 schools had not made AYP; that 86 schools would not meet the 70 percent benchmark that had been established for the current year (Draeger); the question when excess funds from the staffing reserve could be released from the current budget (Strauss); that the funds could be reallocated at the third-quarter budget review; that staffing projections for the following year would be developed in April 2005; that 1,600 students spread across 200 schools represented 8 students per school (Assistant Superintendent of Human Resources Kevin North); the question whether the staffing reserve represented available funds to hire staff members as required, or salaries being paid (Hunt); that the funds were held in reserve (North); the question whether the initiative developed by middle school principals would be funded (Niedzielski-Eichner); that the Department of Instructional Services would provide reading resources to middle schools before the coaching experts in reading and math could be deployed to middle schools; that school principals would be involved in the process of selecting teacher coaches (Draeger); and that it was important to address the needs of individual schools (Dale); the question when it was projected that the new Alternative Learning Center (ALC) would open (Wilson); that a specific date had not been established (Draeger); the question whether the funds allocated were reserved exclusively for staffing (Wilson); that the funds would pay for staffing and some related equipment (Chief Financial Officer Deirdra McLaughlin); that a quad trailer would be provided for the facility (Assistant Superintendent of Facilities and Transportation Dean Tistadt); the question when curriculum development on gang issues would be completed and when the program would be implemented in schools (Wilson); that the program would be used in sixth grade during the current school year, that fifth grade would be trained at the end of this semester, and fourth grade would be trained next year; that staff was considering the possibility of hiring a vendor to revise the seventh grade health curriculum to include the gang issues to enable implementation of the program during the 2005-2006 school year (Assistant Superintendent of Instructional Services Ann Monday); that she was disappointed at the lack of progress on the projected implementation timeline; that six months ago the Board had expressed its support of curricular changes to include gangs and violence, and after-school programs at middle schools (Wilson); the question how many different programs were being implemented to address the issue of gangs (Belter); that programs included after-school activities targeted at gang prevention, and training for counselors and social workers; that the funding would be directed to revising the health curriculum tonight relative to dealing with peer pressure and conflict (Monday); that he had not been aware that staff members intended to revise the entire seventh grade health curriculum; the question what advisory committee would be evaluating the proposed curricular changes (Hunt); that the curriculum had to be aligned with Virginia Standards of Learning (SOLs) regarding gangs,

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violence and bullying, and lessons were being developed around the established curriculum, and would be reviewed by a curriculum advisory committee (Monday); that existing units would have to be restructured to include a unit on gangs and to update lessons on nutrition to address concerns about childhood obesity (Monday).

The motion that the Board approve revenue and expenditure changes reflected in the FY 2005 midyear budget review, as detailed in the agenda item **passed 11-0**, with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mr. Storck, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voting "aye"; and with Mr. Gibson absent.

- 5.02 2005 Legislative Program** – Approve the 2005 Legislative Program, as reviewed and discussed by the Legislation, Policy, and Future Issues Committee (S; Exhibit G)

Mrs. Oleszek moved, and Mrs. Kory seconded, that the Board approve the 2005 Legislative Program, as reviewed and discussed by the Legislation, Policy, and Future Issues Committee.

Chairman Smith announced that Board members could request a separate vote on specific items. Mrs. Oleszek reviewed the significance of the Board's Legislative Program.

Mrs. Wilson moved, and Mr. Hunt seconded, to amend the motion by deleting the last item on Page 28 of the Legislative Program, related to fiscal autonomy of local school boards.

Discussion included the following: that she did not believe that school boards should have independent taxing authority because it was more prudent to have an overarching organization consider the many diverse needs of the entire county (Wilson); that a distinction should be made between recommending a study and lobbying for legislative action (Center); that it would be wasteful to initiate a study on an issue that would not be endorsed (Hunt).

The motion to amend the motion by deleting the last item on Page 28 of the Legislative Program, related to fiscal autonomy of local school boards **failed 3-8**, with Mr. Hunt, Mrs. Smith, and Mrs. Wilson voting "aye"; and with Mrs. Belter, Mr. Center, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mr. Storck, and Mrs. Strauss voting "nay"; and with Mr. Gibson absent.

TAPE REFERENCE: 3-0119

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Mrs. Wilson moved, and Mrs. Strauss seconded, to amend the motion by deleting the third bullet on Page 28 under the Freedom of Information Act (FOIA), which read: "The FCSB supports amendment of the definition of a meeting (Code of Virginia 2.2-3701), to change the number of members that causes an informal assemblage to be identified as a meeting under the act. The current standard 3 members or a quorum, if a quorum is fewer than 3 applies to all public bodies regardless of the size of the membership."

Discussion included the following: that the Board was a public body and its business should be conducted in public, regardless of any inconvenience that might involve (Wilson); that she agreed that members of the public and press were entitled to observe all deliberations of the Board (Strauss); that three members only constituted 25 percent of a 12-member board, whereas that same number would represent 50 percent of a six-member Board; that a fixed number should not apply to all boards (Oleszek); that the provision limited the effectiveness of the Board and the number of Board members that could meet without public notice could be increased without compromising the integrity of the process (Storck); that it was important that the public not perceive that information was being withheld by Board members (Hunt).

The motion to amend the motion by deleting the third bullet on Page 28 under the Freedom of Information Act (FOIA), reading: "The FCSB supports amendment of the definition of a meeting (Code of Virginia 2.2-3701), to change the number of members that causes an informal assemblage to be identified as a meeting under the Act. The current standard three members or a quorum, if a quorum is fewer than three, applies to all public bodies regardless of the size of the membership" passed 7-4, with Mrs. Belter, Mr. Center, Mr. Hunt, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Strauss, and Mrs. Wilson voting "aye"; with Mrs. Kory, Mrs. Oleszek, Mrs. Smith, and Mr. Storck voting "nay"; and with Mr. Gibson absent.

Discussion on the main motion included the following: the request for clarification regarding discipline procedures for special education students and whether the School Board was allowed to review a student's Individualized Education Plan (IEP) relative to disciplinary infractions (Center); that if a student violated the disciplinary code as a result of a manifestation of the student's disability, that could preclude the imposition of disciplinary consequences; that the reauthorization of the *Individuals with Disabilities Act* (IDEA) on July 1, 2005, would clarify the issue; that educational services would have to be provided for such students to progress academically (Director of Office of Student Services Eleanor Barnes); that IDEA had required that educational services could not be withheld for more than 10 days for a student receiving special education services, regardless of the offense committed; that the position in the Board's Legislative Program had been adopted nationwide; and the Board was not

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precluded from reviewing a student's IEP (Draeger); that reading teachers would not be able to address the issue that approximately 50 percent of African-American, low-income, and Hispanic students could not pass eighth grade reading tests; that *No Child Left Behind* (NCLB) sought to ensure that all children could read and do fundamental math which was compatible with the mission of FCPS to educate all children (Hunt); that he supported the intent of NCLB but opposed the regulations subsequently promulgated by the Department of Education that were not backed with federal resources (Niedzielski-Eichner); and an expression of thanks to Director of Office of Government Relations Michael Malloy for his efforts to develop the Legislative Program (Oleszek).

The motion that the Board approve the 2005 Legislative Program, as reviewed and discussed by the Legislation, Policy, and Future Issues Committee, and as amended to delete the third bullet on Page 28 under the Freedom of Information Act (FOIA), reading: "The FCSB supports amendment of the definition of a meeting (Code of Virginia 2.2-3701), to change the number of members that causes an informal assemblage to be identified as a meeting under the Act. The current standard, three members or a quorum, if a quorum is fewer than three, applies to all public bodies regardless of the size of the membership" passed 10-0-1, with Mrs. Belter, Mr. Center, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting "aye"; with Mr. Hunt abstaining; and with Mr. Gibson absent.

- 5.03 Social Studies Textbook Adoption** – Adopt social studies textbooks for United States History to 1877 (grade 6), and United States History from 1877 to the Present (grade 7), and for the core social studies courses at the high school level: United States History (grade 11) and Virginia/United States Government (grade 12) as reviewed and recommended by the Social Studies Textbook Adoption Committee (IS; Exhibit H)

Mrs. Belter moved, and Mrs. Strauss seconded, that the Board adopt social studies textbooks for United States History to 1877 (Grade 6), and United States History from 1877 to the Present (Grade 7), and for the core social studies courses at the high school level: United States History (Grade 11) and Virginia/United States Government (Grade 12) as recommended by the Textbook review Committee.

Mrs. Belter said that World Cultures (Grade 5) and World History (Grades 9 and 10) had been removed for further consideration, and would be resubmitted to the School Board for approval in the spring.

The motion passed 11-0, with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mr. Storck, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voting "aye"; and with Mr. Gibson absent.

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5.04 **Science Textbook Adoption** – Adopt textbooks and basal instructional materials for high school science courses in the disciplines of Biology, Chemistry, Physics, and Earth Science (IS; Exhibit I)

Mr. Center moved, and Mrs. Oleszek seconded, that the Board adopt textbooks and basal instructional materials for high school science courses in the disciplines of Biology, Chemistry, Physics, and Earth Science, as recommended by the textbook review committee.

Discussion included the following: the request for clarification regarding a change impacting chemistry textbooks (Moon); the response that words had been added to the recommendation for Chemical Technology which was offered for students who needed additional support in reading and mathematics, special populations of students, including ESOL and special education students, as well as students in some alternative programs (Monday); the question of how the definition of special populations would be communicated to schools (Moon); that ISD staff members would facilitate textbook adoptions in schools (Monday).

The motion that the Board adopt textbooks and basal instructional materials for high school science courses in the disciplines of Biology, Chemistry, Physics, and Earth Science, as recommended by the textbook review committee **passed 11-0**, with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mr. Storck, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voting “aye”; and with Mr. Gibson absent.

5.05 **Confirmation of Action Taken in Closed Meeting**

TAPE REFERENCE: 3-1517

Mrs. Strauss moved, and Mrs. Wilson seconded, to expel three students for violation of the conditions of probationary placements. The motion **passed 11-0**, with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting “aye”; and with Mr. Gibson absent.

Mr. Center moved, and Mrs. Belter seconded, to expel a student for possession of a weapon on school property. The motion **passed 11-0**, with Mrs. Belter, Mr. Center, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting “aye”; and with Mr. Gibson absent.

Having served on a three-member committee chaired by Mrs. Wilson, Mrs. Oleszek moved, and Mr. Storck seconded, to expel a student for violation of the conditions of a probationary placement. The motion **passed unanimously**.

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Having served on a three-member committee chaired by Mrs. Strauss, Mrs. Belter moved, and Mrs. Smith seconded, to expel a student for assaulting another student. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Strauss, Mrs. Belter moved, and Mrs. Smith seconded, to expel a student for violation of the conditions of a probationary placement. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Strauss, Mrs. Smith moved, and Mrs. Belter seconded, to expel a student for distribution of illegal drugs on school property. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Strauss, Mrs. Smith moved, and Mrs. Belter seconded, to expel a student for charges in the community. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Oleszek, Mrs. Smith moved, and Mrs. Wilson seconded, to expel a student for distribution of illegal drugs on school property. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Oleszek, Mrs. Wilson moved, and Mrs. Smith seconded, to expel a student for exhibiting threatening behavior, trespassing on school property, instigating a fight, and disrupting the school's instructional program. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Oleszek, Mrs. Smith moved, and Mrs. Wilson seconded, to expel a student for participation in a mob assault on school property. The motion **passed unanimously.**

Mr. Hunt moved, and Mr. Storck seconded, to excuse from attendance at school certain students identified in closed meeting pursuant to Virginia Code Section 22.1-254 (B)(1). The motion **passed unanimously.**

6. **NEW BUSINESS**

TAPE REFERENCE: 3-1662

- 6.01 District Advisory Council for Compensatory Education, Title I – Recommendation to confirm the elected members of the Title I District Advisory Council, as listed in the agenda item (IS; Exhibit J)**

There was no discussion of this item.

- 6.02 FECEP/Head Start/Early Head Start Policy Committee – Recommendation to confirm the elected members of the Fairfax County Public Schools Family and**

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Early Childhood Education (FECEP)/Head Start/Early Head Start (EHS) Policy Committee, as listed in the agenda item (IS; Exhibit K)

There was no discussion of this item.

6.03 FY 2006-2010 Capital Improvement Program – Recommendation to approve the FY 2006-2010 Capital Improvement Program (FTS; Exhibit L)

Director of Facilities Planning Services Gary Chevalier presented a PowerPoint presentation detailing the Capital Improvement Program (CIP), including enrollment and capacities, and accommodation needs by Cluster.

TAPE REFERENCE: 3-2442

Questions and comments included the following: that Board members should send their questions in advance of the January 10 work session; the question whether there was a listing of enrollment numbers by school to compare annual enrollment (Wilson); the response that a CIP data disk had been provided to Board members that included five years of history and projected membership (Chevalier); that funds realized from the sale of the Pohick site would not be reflected until such funds were available; that \$57.5 million for renovations to administrative buildings might be diverted to other projects if the Board proceeded with consolidation of administrative facilities (Wilson); that although many schools were deteriorating or in need of expansion, the request for CIP funds had not increased in three years; the question why FCPS was not seeking additional funds from the BOS to address those needs (Kory); that staff members had been operating with a funding limit of \$130 million (Chevalier); the request that staff members prepare a proposal detailing how an additional \$10 million would be allocated (Kory); the question what the \$1.6 billion in the CIP reflected (Niedzielski-Eichner); that the figure represented the total funding for all CIP projects and the total was approximately \$250 million less than the CIP approved in 2003 (Chevalier); the request that the \$57.5 million allocated for administrative centers be clarified (Niedzielski-Eichner); that it would cost \$57.5 million to renovate older school buildings that were currently used as administrative centers (Chevalier); the request that the Board be provided with school attendance maps that also indicated magisterial district boundaries (Center); that she would like to see new schools and renovations equitably scheduled on the CIP (Oleszek); that the Board should discuss its philosophy on school size (Chevalier); that an independent consultant determined the order of construction priorities (Wilson); the question when a new middle school was projected to be built in the southern part of the county (Storck); that the new secondary school would provide significant relief for overcrowded schools in that area; that a new middle school was not expected to open until 2014 (Chevalier).

7. SCHOOL BOARD COMMITTEE REPORTS

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7.01 Committee Reports

Legislation, Policy, and Futures Issues, December 2; Janet Oleszek, Vice Chairman

Presentation of report on the community survey on customer satisfaction with FCPS.

8. SUPERINTENDENT MATTERS

8.01 Dr. Dale congratulated Westlawn Elementary School Principal Kim Dockery on having received the first Nancy Sprague Outstanding Principal award.

9. ADJOURNMENT

9.01 The meeting was adjourned at 11:00 p.m.