

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 9

December 1, 2005

1. **CLOSED MEETING**

1.01 **Closed Meeting**

Chairman Phillip Niedzielski-Eichner convened the Board in public session at 6:18 p.m. with a quorum of members present. Mr. Center moved, and Mrs. Smith seconded, that the Board go into closed session: 1) to discuss and consider performance, employment and discipline of a specific public employee 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); and 3) to consult with legal counsel regarding specific legal matters involving student discipline pursuant to Virginia Code Section 202-3711(A)(7). The motion **passed unanimously.**

2. **MEETING OPENING**

TAPE REFERENCE: 1-0017

2.01 **Call to Order/Pledge of Allegiance/Moment of Silence**

Chairman Niedzielski-Eichner convened the meeting at 7:02 p.m. with the following Board members present:

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|-----------------------------------|---|
| Catherine A. Belter (Springfield) | Phillip A. Niedzielski-Eichner (Providence) |
| Brad Center (Lee) | Janet S. Oleszek (At Large) |
| Stuart D. Gibson (Hunter Mill) | 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 Division Superintendent Jack D. Dale; Deputy Superintendent Brad Draeger; Executive Assistant and Clerk of the Board Pamela Goddard; Deputy Clerk Pat Charbonneau; and certain other members of staff. Student Representative to the School Board Samantha Kunkel was present.

2.02 **Recognition of the 2005 Citizens for School Bond Committee**

The Board recognized members of the 2005 Citizens for School Bond Committee, and those in attendance accepted certificates of appreciation, and joined the Board for photographs. On behalf of the Board, Chairman Niedzielski-Eichner also expressed his thanks to staff members of the Office of Design and Construction Services.

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2.03 Announcements (Exhibit A)

Vice Chairman Moon announced that December 7 was Pearl Harbor Remembrance Day; and that National Inclusive Schools Week would be celebrated from December 5-9, 2005.

2.04 Certification of Closed Meeting Compliance (Exhibit B)

Mr. Moon moved, and Mrs. Strauss seconded, that since the Fairfax County School Board convened a closed session meeting on December 1, 2005, 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 requires 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 unanimously.**

3. PRESENTATIONS TO SCHOOL BOARD

TAPE REFERENCE: 1-0427

3.01 Spotlight on Learning – Expanding Visions, Student Partnership with Exxon Mobil – Jackson Middle School (Exhibit C)

Dr. Dale introduced Director of Business and Industry Relations Courtney Bulger, and Patrick Dexter, of ExxonMobil Public Affairs. Ms. Bulger introduced ExxonMobil Grant Coordinator Gabrielle Boccher, who presented an overview of the program; and a video was viewed. Several Board members expressed thanks to ExxonMobil for its support.

3.02 Citizen Participation (Exhibit D)

Ten speakers addressed the Board in the time reserved for public comment. Cecie Boggs, Naomi Waterson, Virginia Shumate, and Leonard Bumbaca addressed Agenda Item No. 4.02, FY 2006 Mid-Year Budget Review; Adam Winsler, Donna Cipicchio, Henry Tran, and Patricia Wirth addressed Agenda Item No. 4.03, 2006 Draft Legislative Program; Ridge Loux addressed Agenda Item No. 5.04, South Lakes Renovation; and Carmen Sanchez addressed National Inclusive Schools Week.

3.03 Presentation on School Profiles – Brad Draeger, Deputy Superintendent (Exhibit E)

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Dr. Dale said that FCPS used data to drive its decisions; and that FCPS was committed to continuous quality improvement. Dr. Draeger said that the Board would be receiving updates on progress toward achieving divisionwide progress at its regular meetings; and he showed how data for individual schools could be accessed on the FCPS web site.

Comments included the following: expressions of thanks for making the data easily accessible (Center, Gibson, Kory, Moon, Niedzielski-Eichner, Oleszek, Storck, Strauss, Wilson); the question why safety and security data was generally omitted from the 2004-05 school year (Storck); the response that FCPS was compelled to wait for the State to certify that data before it was published (Draeger); that it would be helpful to explain the calculation of Annual Yearly Progress (AYP) and to have the requirements listed for each year, as the requirements of the *No Child Left Behind Act* (NCLB) were not easily understood; that it would be helpful to develop an index to correlate school demographics with achievement levels (Gibson); the question whether an aggregate assessment of the school division was available (Niedzielski-Eichner); the response that such evaluations would be forthcoming (Dale).

4. **ACTION ITEMS**

TAPE REFERENCE: 2-0374

- 4.01 2006-2007 School Calendars** - Approve the 2006-2007 school calendars as detailed in the agenda item (HR; Exhibit F)

Mrs. Strauss moved, and Mrs. Kory seconded, that the Board approve the 2006-2007 school calendars as detailed in the agenda item.

Mr. Gibson noted that the Board would again include a request that the General Assembly allow schools to open before Labor Day in its Legislative Program.

The motion that the Board approve the 2006-2007 school calendars as detailed in the agenda item **passed unanimously.**

- 4.02 FY 2006 Mid-Year Budget Review** - Approve revenue and expenditure changes reflected in the FY 2006 Midyear Budget Review as detailed in the agenda item (FS; Exhibit G)

Mrs. Strauss moved, and Mr. Center seconded, that the Board approve revenue and expenditure changes reflected in the FY 2006 Midyear Budget Review as detailed in the agenda item. The motion **passed unanimously.**

- 4.03 2006 Draft Legislative Program** - Adopt the 2006 Draft Legislation Program as detailed in the agenda item (S; Exhibit H)

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Mr. Gibson moved, and Mrs. Oleszek seconded, that the Board adopt the 2006 Draft Legislative Program as detailed in the agenda item.

Mr. Gibson said that the General Assembly was scheduled to re-benchmark the Standards of Quality (SOQ) which determined amounts of state funding; that current estimates indicated that the SOQ were underfunded between \$1 and 2 billion statewide; and that Senator Allen had introduced a bill to exempt some states, including Virginia, from AYP requirements.

Mrs. Wilson requested that the motion be divided to separate the item on fiscal autonomy (page 28) as that she did not support independent fiscal authority for school boards.

Mrs. Wilson moved, and Mr. Hunt seconded, to amend the motion by deleting the paragraph on fiscal autonomy for elected school boards.

Discussion included the following: that boards of supervisors (BOS) and city councils were impinging on the rights of school boards throughout the State, including those that were reserved for school boards by the Code of Virginia; that the position did not call for taxing authority or fiscal autonomy, but read, "The Fairfax County School Board recommends that the General Assembly initiate a study to examine the complex issues involved in elected school boards making progress toward fiscal autonomy"; that the requests being made by Virginia school boards for bond referenda were being denied by their BOS; that it had become important to examine the feasibility of granting elected school boards fiscal autonomy to enable them to exercise the authority granted by state law; that he would not support the amendment (Gibson); that there were egregious examples of BOS usurping the authority of school boards, but the solution would not be found in granting fiscal autonomy to local school boards; and that all local governmental bodies should abide by the law (Wilson).

The motion to amend the motion by deleting the paragraph on fiscal autonomy for elected local school boards **failed 3-9**, with Mr. Hunt, Mrs. Smith, and Mrs. Wilson voting "aye"; and with Mr. Belter, Mr. Center, Mr. Gibson, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mr. Storck, and Mrs. Strauss voting "nay."

The motion that the Board adopt the 2006 Draft Legislative Program as detailed in the agenda item **passed 11-0-1**, with Mrs. Belter, Mr. Center, Mr. Gibson, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voting "aye"; and with Mr. Hunt abstaining.

Mrs. Oleszek and Mr. Gibson thanked Director of Government Relations Michael Molloy for his responsiveness.

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- 4.04 Award of Contract** - Award the contract for the renovation at South Lakes High School to Hess Construction Company, Inc., in the amount of \$48,229,080, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit I)

Mr. Gibson moved, and Mrs. Kory seconded, that the Board award the contract for the renovation at South Lakes High School to Hess Construction Company, Inc., in the amount of \$48,229,080, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board.

At Mr. Gibson's request, Lewis Rauch, Director of Office of Design and Construction, explained that the successful bid was evaluated on the basis of value engineering—those elements that could be eliminated or revised in terms of the scope of work to realize cost savings in market inflation—and actual scope reductions that were prudent based on the cost of the project and timing of some inflationary items; that on the basis of that evaluation, FCPS had developed proposed recommendations that would enable the project to go forward; that value-added items were those that were not seen that would not have an actual impact, including the type of wiring and insulation; while scope reductions would affect the overall outcome, including roof replacement and delaying pavement overlay, which possibly could be added back in the future when those petroleum-based items are more economical; that the timing and quality of the renovation would not be impacted; and that two main focuses at South Lakes were to make the building more traffic-friendly with the elimination of ramps and to provide more natural light to the interior of the building.

The motion that the Board award the contract for the renovation at South Lakes High School to Hess Construction Company, Inc., in the amount of \$48,229,080, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board **passed unanimously.**

- 4.05 Additional Appointments** - Appoint individuals to serve on committees as listed in the agenda item (SB; Exhibit J)

There were no additional appointments.

- 4.06 Confirmation of Action Taken in Closed Meeting**

Mrs. Wilson moved, and Mr. Center seconded, to expel a student for threatening a student with a weapon on school property. The motion **passed unanimously.**

Mr. Gibson moved, and Mrs. Smith seconded, to expel a student for violating the conditions of a probationary school assignment. The motion **passed unanimously.**

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Mrs. Strauss moved, and Mr. Moon seconded, to expel a student for possessing a weapon on school property. The motion **passed unanimously.**

Mrs. Wilson moved, and Mr. Center seconded, to expel a student for assaulting two students, causing injury. The motion **passed unanimously.**

Mr. Gibson moved, and Mrs. Smith seconded, to expel a student for conviction of a crime in the community. The motion **passed unanimously.**

Having served on a two-member committee chaired by Mrs. Wilson, Mrs. Belter moved, and Mrs. Wilson seconded, to expel a student for violating a probationary school assignment. The motion **passed unanimously.** *[Clerk's Note: The student's family had agreed to a hearing with two Board members when the third Board member was unable to attend.]*

Having served on a two-member committee chaired by Mrs. Wilson, Mrs. Belter moved, and Mrs. Wilson seconded, to expel a student for possessing a weapon on school property. The motion **passed unanimously.** *[Clerk's Note: The student's family had agreed to a hearing with two Board members when the third Board member was unable to attend.]*

Having served on a two-member committee chaired by Mrs. Wilson, Mrs. Belter moved, and Mrs. Wilson seconded, to expel a student for possessing illegal drugs on school property. The motion **passed unanimously.** *[Clerk's Note: The student's family had agreed to a hearing with two Board members when the third Board member was unable to attend.]*

Having served on a three-member committee chaired by Mr. Gibson, Mrs. Strauss moved, and Mr. Moon seconded, to expel a student for possessing and displaying a weapon on school property. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mr. Gibson, Mrs. Strauss moved, and Mr. Moon seconded, to expel a student for conduct which endangered the well-being of students and staff. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mr. Gibson, Mr. Moon moved, and Mrs. Strauss seconded, to expel a student for possessing and distributing an illegal substance on school property. **The motion passed unanimously.**

Having served on a three-member committee chaired by Mr. Gibson, Mr. Moon moved, and Mrs. Strauss seconded, to expel a student for possessing illegal drugs on school property. **The motion passed unanimously.**

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Having served on a three-member committee chaired by Mrs. Oleszek, Mr. Hunt moved, and Mrs. Smith seconded, to expel a student for numerous acts of misconduct on school property. **The motion passed unanimously.**

Having served on a three-member committee chaired by Mrs. Oleszek, Mr. Hunt moved, and Mrs. Smith seconded, to expel a student for violating the conditions of a probationary school assignment. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Oleszek, Mrs. Smith moved, and Mr. Hunt seconded, to expel a student for conviction of a crime in the community. The motion **passed unanimously.**

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

Having served on a three-member committee chaired by Mr. Niedzielski-Eichner, Mr. Center moved, and Mr. Storck seconded, to expel a student for possessing illegal drugs on school property. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mr. Niedzielski-Eichner, Mr. Center moved, and Mr. Storck seconded, to expel a student for possession, with the intent to distribute, illegal drugs on school property. The motion **passed unanimously.**

Mr. Storck moved, and Mrs. Strauss seconded, that the employee identified in closed meeting be dismissed, as specified in School Board Regulation 4293.5, Just Cause for Dismissal. The motion **passed 11-0**, with Mrs. Belter, Mr. Center, Mr. Gibson, Mr. Hunt, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Oleszek, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye"; and with Mrs. Wilson away from the table.

- 4.07 Pending Action Item - (action scheduled 12/15/05) Family Life Education Curriculum Advisory Committee Update** - Approve the videotape, Sex Smart For Teens: Abstinence, for use in the 10th grade Personal and Community Health Unit; and the videotape, Living with Addiction: A Family Disease, for use in the 7th grade Drug Use Prevention: Alcohol, Tobacco, and Other Drugs Unit (IS; Exhibit K)
- 4.08 Pending Action Item (action scheduled 12/15/05) Award of Contract** - Award the contract for emergency power upgrades at Chantilly and Marshall High Schools, in support of the FY 2004 State Homeland Security Grant Program, to the lowest responsive and responsible bidder(s) and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit L)

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5. CONSENT AGENDA

TAPE REFERENCE: 2-1156

- 5.01. **Minutes** – Approve minutes of November 15, 2005, regular School Board meeting (SB; Exhibit M)
- 5.02. **Middle School Science Textbook Adoption** - Adopt science textbooks for grades six, seven, and eight, as recommended by the Middle School Science Textbook Review Committee (IS; Exhibit N)
- 5.03. **High School English Language Arts Textbook Adoption** - Adopt high school literature basal texts for English grades 9, 10, 11, and 12, as recommended by the High School Literature Textbook Review Committee (IS; Exhibit O)

Chairman Niedzielski-Eichner stated that, without objection, the three items on the consent agenda would be adopted. Hearing no objection, the consent agenda **passed unanimously.**

6. NEW BUSINESS

TAPE REFERENCE: 2-1184

The following items were introduced for new business with no discussion.

- 6.01. **Award of Contract** - Recommendation to award the contract(s) for an eight-classroom modular building at Cooper Middle School and a ten-classroom modular building at Churchill Road Elementary School to the lowest responsive and responsible bidder(s), and authorize the Division Superintendent, or his designee, to execute the contract(s) on behalf of the School Board (FTS; Exhibit P)
- 6.02. **Award of Contract** - Recommendation to award the contract(s) for an eight-classroom modular building at Mantua Elementary School and a twelve-classroom modular building at Forestdale Elementary School to the lowest responsive and responsible bidder, and authorize the Division Superintendent, or his designee, to execute the contract(s) on behalf of the School Board (FTS; Exhibit Q)
- 6.03. **Award of Contract** - Recommendation to award the contract for the renovation of Key Middle School and Center to the lowest responsive and responsible bidder and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit R)
- 6.04. **Title I District Advisory Council Committee** - Recommendation to confirm the elected members of the Title I District Advisory Council, as detailed in the agenda item (IS; Exhibit S)
- 6.05. **Amendment to ERFC and ERFC-2001** - Recommendation to approve proposed amendment number 11 to the Educational Employees of Fairfax County Defined Benefit Plan (ERFC and ERFC-2001 for the purpose of A.) providing for updates in the assumptions used in calculating actuarial equivalent benefits; and B.)

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authorizing the Trustees to adopt a benefit restoration plan if and when the Legislature authorizes local governments that participate in the Virginia Retirement System (VRS) to do so (ERFC; Exhibit T)

7. **SUPERINTENDENT MATTERS**

TAPE REFERENCE: 2-1452

7.01 **Superintendent Matters**

Dr. Dale congratulated the FCPS Department of Financial Services on having received the Distinguished Budget Presentation Award from the Government Finance Officers Association. Dr. Dale announced that the dedication ceremony for the new South County Secondary School would be held on December 3.

8. **SCHOOL BOARD REPORTS**

TAPE REFERENCE: 2-1476

8.01 **Committee Reports**

There were no committee reports.

8.02 **Board Member Announcements**

Samantha Kunkel, Student Representative

Congratulations to those teachers who had been nominated for Teacher of the Year.

Tessie Wilson, Braddock District

That the Sallie Mae Fund and the Fairfax Scholarship Fund would jointly sponsor a seminar on financing the cost of college at Stuart High School on December 3.

Dan Storck, Mount Vernon District

The Fairfax Community Coalition had sponsored a meeting on November 17 concerning military base realignment; that 21,000 new employees were expected at Fort Belvoir, and the changes would take place no later than November 2011; that projected impacts on transportation and schools had not been determined.

Janet Oleszek, At Large

The Pathways to Peace Conference she had attended on November 14-15 provided an opportunity for high school students to learn pacifistic behavior to

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help students become mediators. December 1 marked the 50th anniversary of Rosa Parks having impacted the civil rights movement, and she was proud of the Providence Elementary School students who had recently reenacted the event.

Phil Niedzielski-Eichner, Providence District

The Fort Belvoir Commander, Colonel Lauritzen had been invited to participate in the Board's January work session regarding military base realignment. He and Mrs. Oleszek had recently visited the Department of Information Technology operation at Woodson High School, and he had been very impressed with its scope and success.

9. ADJOURNMENT

TAPE REFERENCE: 2-1800

9.01 The meeting was adjourned at 9:25 p.m.