

MINUTES

Fairfax County School Board Luther Jackson Middle School

Regular Meeting No. 1

July 12, 2007

1. **CLOSED MEETING**

Chairman Storck convened the Board in public session at 6 p.m. with a quorum of members present:

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)

Mr. Gibson moved, and Mrs. Oleszek seconded, that the Board go into closed session 1) to discuss and consider the employment 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 and consider 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 consult with legal counsel regarding actual and probable litigation against the School Board and regarding a specific legal matter involving constitutional questions requiring the provision of legal advice by counsel pursuant to Virginia Code Section 2.2-3711(A)(7). The motion passed unanimously.

2. **MEETING OPENING**

***[NOTE: MP3 AUDIO FILES ARE AVAILABLE AT
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2.01 Call to Order/Pledge of Allegiance/Moment of Silence

Chairman Storck convened the meeting at 7:10 p.m. with a quorum of Board members present. Also present were Deputy Superintendent Richard Moniuszko; Executive Assistant and Clerk of the Board Pamela Goddard; Deputy Clerk Linda Sabo; and certain other members of staff. Student Representative to the School Board James Rosenquist was absent.

2.02 Certification of Closed Meeting Compliance (Exhibit A)

Mr. Niedzielski-Eichner moved, and Mr. Moon seconded, that since the Fairfax County School Board convened a closed session meeting on July 12, 2007,

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pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and since Section 2.2.3712(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 foregoing also shall be deemed to include the certification of each member of this School Board who served on a student disciplinary committee, since the last certification, that the closed meetings of the student disciplinary committees on which the member served during that time period are lawfully exempted from open meeting requirements by Section 2.2-3711(A)(2) of the Code of Virginia, as stated in the annual organizational meeting of the School Board held in January, and that only student disciplinary matters were heard, discussed or considered in the closed committee meeting or meetings attended by the member for that purpose. The motion **passed unanimously.**

2.03. Announcements

Mr. Storck announced that Dr. Dale would not attend tonight's meeting and that this was the first school board meeting that Dr. Dale had missed in all his years as a Superintendent.

Mr. Storck announced that Student Representative James Rosenquist would not be in attendance at the July meetings due to commitments made prior to his election.

2.04 Recognition of Mario Schiavo (Exhibit B)

Mrs. Strauss read a "Tribute to Mario Schiavo" and then invited his family, friends, and co-workers to come forward for the presentation of a plaque and a framed copy of the tribute and photographs with the Board.

Mr. Schiavo thanked the Board, his colleagues, and Chief Financial Officer Deirdra McLaughlin for the support he had received during his FCPS career.

Board members expressed their appreciation for Mr. Schiavo's work ethic and expertise in explaining budget items.

3. PRESENTATIONS TO SCHOOL BOARD

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3.01 Spotlight on Learning – Prom Memories for All (Exhibit C)

3.02 Citizen Participation (Exhibit D)

One speaker addressed the Board in the time reserved for public comment. Lois Passman addressed Policy 8335.1, Wireless Telecommunications Facilities.

4. ACTION ITEMS

[NOTE: MP3 AUDIO FILES ARE AVAILABLE AT

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4.01 Acquisition of Sanitary Sewer Lateral and Temporary Construction Easements for Mountain View Alternative School site - (i) Adopt the attached Resolution approving proposed public uses and authorizing the acquisition, if necessary by condemnation, of sanitary sewer lateral and temporary construction easements (the “Easements”) necessary for such public uses, and (ii) authorize the Chief Operating Officer to execute the necessary documents to acquire such Easements, utilizing the School Board’s power of eminent domain if necessary, and to work with the School Board attorney to accomplish such acquisition promptly (FTS; Exhibit E)

Chairman Storck announced that this agenda item was removed from the Board’s agenda because the easement had been granted voluntarily by the adjacent property owner, who had agreed to grant it for no compensation; that the easement had been received by FCPS on July 11 and recorded on July 12.

4.02 School Board Policy - Adopt Policy 8335.1, Wireless Telecommunication Facilities, as reviewed and discussed at the Policy work session (FTS; Exhibit F)

Mrs. Wilson moved, and Mr. Gibson seconded, to adopt Policy 8335.1, Wireless Telecommunication Facilities, as reviewed and discussed at the Policy work session.

Comments included: staff had conducted extensive tests and determined that telecommunication facilities were not a health threat to students and citizens; question whether requests for wireless telecommunication facilities would continue to be presented to the Board for their consideration; negative response but that an opportunity for public input is provided through school/community meetings; the Fairfax County Planning Commission would address community concerns about aesthetics.

The motion to adopt Policy 8335.1, Wireless Telecommunication Facilities, as reviewed and discussed at the Policy work session, **passed 9-3**, with Mrs. Belter, Mr. Center, Mr. Gibson, Mr. Hunt, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith,

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Mrs. Strauss, and Mrs. Wilson voting "aye"; and with Mrs. Kory, Mrs. Oleszek, and Mr. Storck voting "nay".

- 4.03 Additional Appointments** - Appoint individuals to serve on committees as detailed in the agenda item (SB; Exhibit G)

Mrs. Smith moved, and Mr. Gibson seconded, to appoint individuals to serve on committees as detailed in the agenda item. The motion **passed unanimously.**

- 4.04 Confirmation of Action Taken in Closed Meeting**

Mrs. Strauss moved, and Mr. Center seconded, to expel a student for threatening a staff member at school. The motion **passed unanimously.**

Mr. Gibson moved, and Mrs. Wilson seconded, to expel a student for possession of imitation illegal drugs at school. The motion **passed unanimously.**

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

Mrs. Wilson moved, and Mr. Niedzielski-Eichner seconded, to expel two students for numerous acts of misconduct at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Kory, Mr. Storck moved, and Mrs. Belter seconded, to expel two students for participation in gang-related activities at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Kory, Mr. Storck moved, and Mrs. Belter seconded, to expel a student for possession of a weapon at school. The motion **passed unanimously.**

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

Having served on a three-member committee chaired by Mr. Center, Mr. Gibson moved, and Mrs. Smith seconded, to expel two students for threatening school officials at school. The motion **passed unanimously.**

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

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Having served on a three-member committee chaired by Mr. Center, Mr. Gibson moved, and Mrs. Smith seconded, to expel a student for possession of a weapon at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mr. Center, Mr. Gibson moved, and Mrs. Smith seconded, to expel a student for possession of a weapon and of illegal drugs at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mr. Center, Mrs. Smith moved, and Mr. Gibson seconded, to expel a student for possession of illegal drugs at school. The motion **passed unanimously.**

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

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

Mr. Niedzielski-Eichner moved, and Mrs. Strauss seconded, that the Chairman of the School Board be authorized to execute, on behalf of the Board, contracts for the Leadership Team members, as discussed in closed meeting. The motion **passed unanimously.**

Mr. Gibson moved, and Mrs. Smith seconded, that the contract of the teacher identified in closed meeting not be renewed for the 2007-2008 school year. The motion **passed 11-1**, 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 voting "nay".

Mr. Niedzielski-Eichner moved, and Mr. Moon seconded, to authorize counsel for the School Board to make an offer of judgment in a pending case, and further authorize counsel to enter into a tolling agreement on behalf of the School Board. The motion **passed unanimously.**

5. **CONSENT AGENDA**

[NOTE: MP3 AUDIO FILES ARE AVAILABLE AT

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- 5.01 Minutes** - Approve the minutes of January 22, February 12, April 23, May 14, and June 11 Operational Expectations work sessions, May 23, 2007, special meeting, and June 21, 2007, regular School Board meeting (SB; Exhibit H)

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- 5.02 Award of Contract** - Award the contract for a new sheet metal shop at the Woodson Maintenance Complex to Creative Finishes, Inc., in the amount of \$288,064, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit I)
- 5.03 Appointment** - Approve the appointment of Kathy Smith and Steve Hunt as Board representatives to the Schools Administrative Student Information (SASI) Replacement Committee User Advisory Group (SB; Exhibit J)
- 5.04 Revision of School Board Meetings Schedule** - Revise the School Board meetings schedule by designating September 6 and 27, October 11 and 25, and November 8 and 29, 2007, as regular business meeting dates (SB; Exhibit K)

Chairman Storck stated that, without objection, the four items on the consent agenda would be adopted. Hearing no objection, the consent agenda **was adopted.**

6. **NEW BUSINESS**

[NOTE: MP3 AUDIO FILES ARE AVAILABLE AT

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- 6.01 FY 2007 Final Budget Review** – Recommendation to approve revenue and expenditure adjustments as detailed in the agenda item (FS; Exhibit L)

Chief Financial Officer Deirdra McLaughlin reviewed the agenda item.

Recommended expenditure adjustments included funds for state proficiency tests, including the Virginia Grade Level Assessment (VGLA), Advanced Placement test fees, alternate state assessment materials and training, American Speech-Language-Hearing Association membership renewals, and a \$3.0 million reduction in the summer school transfer; the budgeted beginning balance for FY 2009 would be \$19.1 million; the Adult and Community Education fund had completed the year with \$1.2 million; and the Educational Employee's Supplementary Retirement System of Fairfax County (ERFC) returns for 2007 were approximately 17.6 percent.

- 6.02 Award of Contract** - Recommendation to award the contract for the addition at Langley High School 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 M)

There was no discussion of this item.

- 6.03 Thomas Jefferson High School for Science and Technology** - Recommendation to approve Fairfax County Public Schools (FCPS) continue in 2007-2008 to accept the Virginia Department of Education designation as the

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Governor's Regional School for Science and Technology in Northern Virginia (Cluster III; Exhibit N)

There was no discussion of this item.

- 6.04 Award of Contract** - Recommendation to approve the award of contract for providing dental benefit services for FCPS employees to Aetna Inc., the current vendor, effective January 1, 2008, and through the duration of the three (3) year contract and up to three (3) one-year extensions as recommended by the Office of Benefit Services and the Selection Advisory Committee (HR; Exhibit O)

There was no discussion of this item.

- 6.05 Award of Contract** - Recommendation to award the contract for the phased replacement of the rooftop units at West Potomac High School 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 P)

There was no discussion of this item.

- 6.06 Award of Annual Contract** - Recommendation to award the annual contract for the lease/purchase of classroom trailers to the lowest responsive and responsible bidder and authorize the Division Superintendent, or his designee, to execute one or more contracts as requirements become known (FTS; Exhibit Q)

There was no discussion of this item.

- 6.07 Award of Contract** - Recommendation to award the contract for the interior modification at Westfield High School to Creative Finishes Inc., with add alternate #1, in the amount of \$256,012.97, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit R)

There was no discussion of this item.

- 6.08 School Board Policy** – Recommendation to adopt Policy 8120.1, School Planning, as reviewed and discussed at the Policy work session (FTS; Exhibit S)

There was no discussion of this item.

- 6.09 School Board Policy** – Policy 7405.1, Delegation of Authority to Contract, as reviewed and discussed at the Policy work session (FTS; Exhibit T)

There was no discussion of this item.

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- 6.10 School Board Committee Chairmanships** – Recommendation to confirm committee liaisons and chairmanships, as listed in the agenda item (SB; Exhibit U)

There was no discussion of this item.

- 6.11 Appointment of VSBA Delegate and Alternate** – Recommendation to appoint a delegate and an alternate to the Virginia School Boards Association 2007 annual conference (SB; Exhibit V)

There was no discussion of this item.

- 6.12 FY 2008 Audit Plan** - Recommendation to approve the FY 2008 Audit Plan, as detailed in the agenda item (S; Exhibit W)

There was no discussion of this item.

7. SUPERINTENDENT MATTERS

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8. SCHOOL BOARD REPORTS

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This portion of the meeting may include Board committee reports and Board matters.

Forum on Board Topics, July 12, 2007

Transition of students with special needs from high school to life.

9. DEBRIEF

The Board debriefed tonight's meeting.

10. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.