

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 18

April 24, 2008

1. **CLOSED MEETING**

Chairman Dan Storck convened the Board in public session at 5:48 p.m. with a quorum of members present:

Elizabeth T. Bradsher (Springfield)	Phillip A. Niedzielski-Eichner (Providence)
Brad Center (Lee)	James L. Raney (At Large)
Stuart D. Gibson (Hunter Mill)	Kathy L. Smith (Sully)
Martina A. Hone (At Large)	Daniel G. Storck (Mt. Vernon)
Kaye Kory (Mason)	Jane K. Strauss (Dranesville)
Ilryong Moon (At Large)	Tessie Wilson (Braddock; ABSENT)

Mr. Raney moved, and Mr. Gibson seconded, that the Board go into closed session 1) to discuss and consider disciplinary matters concerning students pursuant to Virginia Code Section 2.2-3711(A)(2); and 2) to consult with legal counsel regarding actual and probable litigation against the School Board pursuant to Virginia Code Section 2.2-3711(A)(7). The motion **passed 10-0**, with Mrs. Bradsher, Mr. Center, Mr. Niedzielski-Eichner, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck and Mrs. Strauss voting "aye," with Mrs. Kory not present for the vote, and with Mrs. Wilson absent.

2. **MEETING OPENING**

[NOTE: MP3 AUDIO FILES ARE AVAILABLE AT

<http://www.boarddocs.com/vsba/Fairfax/Board.nsf/Public?OpenFrameSet>

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

Chairman Storck convened the meeting at 7:03 p.m. with a quorum of Board members present. Also present were Division Superintendent Jack D. Dale; Deputy Superintendent Richard Moniuszko; Executive Assistant and Clerk of the Board Pamela Goddard; Deputy Executive Assistant and Deputy Clerk of the Board Pat Charbonneau; and certain other members of staff. Student Representative to the School Board James Rosenquist was present.

2.02 Certification of Closed Meeting Compliance (Exhibit A)

Mr. Raney moved, and Mr. Center seconded, that since the Fairfax County School Board convened a closed session meeting on April 24, 2008, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia

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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 10-0-1**, with Mrs. Bradsher, Mr. Center, Mr. Niedzielski-Eichner, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck and Mrs. Strauss voting "aye," with Mrs. Kory abstaining, and with Mrs. Wilson absent.

2.03 Support Employees of the Year (Exhibit B)

Chairman Storck said that he was pleased, on behalf of the Fairfax County School Board, to pay tribute to the achievements and contributions of the outstanding support employees in attendance who had been recognized by their supervisors, colleagues, and community for their unique and exceptional contributions to FCPS. All the nominees and their finalists were recognized and photographs were taken with the Board.

Mrs. Strauss read the resolution of commendation for Nancy Bowen.

Mrs. Strauss moved, and Mr. Niedzielski-Eichner seconded, to adopt the Resolution of Commendation for Nancy Bowen. The motion **passed 11-0**, with Mrs. Bradsher, Mr. Center, Mr. Niedzielski-Eichner, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck and Mrs. Strauss voting "aye," and with Mrs. Wilson absent.

Mr. Moon read the resolution of commendation for Thomas Reinsel.

Mr. Moon moved, and Mr. Niedzielski-Eichner seconded, to adopt the Resolution of Commendation for Thomas Reinsel. The motion **passed 11-0**, with Mrs. Bradsher, Mr. Center, Mr. Niedzielski-Eichner, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck and Mrs. Strauss voting "aye," and with Mrs. Wilson absent.

Ms. Bowen and Mr. Reinsel made brief remarks.

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2.04 Announcements (Exhibit C)

Chairman Storck announced that Mrs. Wilson would not be at tonight's meeting. Mr. Rosenquist made the following announcements: Asian- and Pacific-American Heritage Month – May 2008, Pride in America Month – May 2008, School Nurse Day – May 7, 2008, and Recognition of Teacher Appreciation Week – May 5-9, 2008

3. PRESENTATIONS TO SCHOOL BOARD

3.01 Spotlight on Learning – KEVA Planks (Exhibit D)

Dr. Roger Tomhave and Ms. Ann Erickson from the Fine Arts Office discussed how Keva Planks are not only used for art instruction but are also used to make connections to mathematics, history, and science. Each School Board member then received a KEVA Plank set.

3.02 Citizen Participation (Exhibit E)

Three speakers addressed the Board in the time reserved for public comment. Jeanne Eagle Bull-Oxendine, Jameson Eagle Bull-Oxendine, and Jake Eagle Bull-Oxendine addressed Agenda Item No. 6.05, Student Responsibilities and Rights.

4. ACTION ITEMS

4.01 Student Achievement Goals – Student Achievement Goal 3. Responsibility to the Community.

Mrs. Smith moved, and Mrs. Strauss seconded, to accept the report as a reasonable interpretation of the Board's goals, including indicators to measure attainment of the goal, the timeline, and the aspirational expectation of Goal 3. Responsibility to the Community.

Comments included the following: an FCPS Intranet web page had been created to display the details of specific projects associated with all three student achievement goals; not all the projects had been funded at this point, and some measures for Goal 3 were still in development; concern expressed that there was not enough analysis within the context of the data that had been presented, and that analysis was essential in order for Board members and the community to understand the results; response that the purpose of the baseline monitoring reports was not to provide detailed analysis of the data, but to present some data with the measures to ensure the information was properly aligned and of sufficient value to validate continued monitoring and analysis; suggestion that future Board action on the achievement goals include concluding agreed-upon points that provided clear direction to staff on how to proceed; recommended

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future action plans for Goal 3 included service learning projects, student learning plans, and interactions with government; the goal process would continue to be analyzed, and Board members were encouraged to join the Governance Committee meeting on April 28 to share any specific suggestions for change.

The motion to accept the report as a reasonable interpretation of the Board's goals, including indicators to measure attainment of the goal, the timeline, and the aspiration expectation of Goal 3. Responsibility to the Community **passed 8-0-3**, with Mrs. Bradsher, Mr. Center, Mr. Gibson Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye," with Mr. Niedzielski-Eichner, Ms. Hone, and Mrs. Kory abstaining, and with Mrs. Wilson absent.

4.02 Confirmation of Action Taken in Closed Meeting

Mr. Niedzielski-Eichner moved, and Mr. Raney seconded, to expel a student for engaging in sexual harassment at school. The motion **passed 10-0-1**, with Mrs. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye," with Mrs. Kory abstaining, and with Mrs. Wilson absent.

Mrs. Strauss moved, and Mr. Center seconded, to expel a student for assaulting a staff member at school. The motion **passed 10-0-1**, with Mrs. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye," with Mrs. Kory abstaining, and with Mrs. Wilson absent.

Ms. Hone moved, and Mrs. Bradsher seconded, to expel a student for possession of a weapon and use of the weapon to threaten a student at school. The motion **passed 10-0-1**, with Mrs. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye," with Mrs. Kory abstaining, and with Mrs. Wilson absent.

Mr. Niedzielski-Eichner moved, and Mr. Raney seconded, to expel a student for engaging in numerous acts of misconduct at school. The motion **passed 10-0-1**, with Mrs. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye," with Mrs. Kory abstaining, and with Mrs. Wilson absent.

Mr. Center moved, and Mrs. Smith seconded, to expel two students for violation of the conditions of a probationary school assignment. The motion **passed 10-0-1**, with Mrs. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye," with Mrs. Kory abstaining, and with Mrs. Wilson absent.

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Having served on a three-member committee chaired by Mrs. Bradsher, Mrs. Smith moved, and Mrs. Strauss seconded, to expel a student for assault and battery against another student at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Bradsher, Mrs. Strauss moved, and Mrs. Smith seconded, to expel a student for theft of another's property on the way home from school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Kory, Mr. Moon moved, and Mr. Storck seconded, to expel a student for gang-related activities and numerous acts of misconduct at school. The motion **passed unanimously.**

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

Having served on a three-member committee chaired by Mrs. Kory, Mr. Moon moved, and Mr. Storck seconded, to expel a student for possession, use, and distribution of illegal drugs on school property. The motion **passed unanimously.**

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

Having served on a three-member committee chaired by Mrs. Kory, Mr. Moon moved, and Mr. Storck 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 Ms. Hone, Mr. Center moved, and Ms. Hone seconded, to expel a student for possessing and igniting an incendiary device at school. The motion **passed unanimously.** *[Clerk's Note: Although Mrs. Wilson was absent for the public vote, she voted affirmatively when the three-member committee rendered their decision.]*

Having served on a three-member committee chaired by Ms. Hone, Mr. Center moved, and Ms. Hone seconded, to expel a student for assaulting a staff member at school. The motion **passed unanimously.** *[Clerk's Note: Although Mrs. Wilson was absent for the public vote, she voted affirmatively when the three-member committee rendered their decision.]*

Having served on a three-member committee chaired by Ms. Hone, Mr. Center moved, and Ms. Hone seconded, to expel a student for numerous acts of misconduct at school. The motion **passed unanimously.** *[Clerk's Note: Although*

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Mrs. Wilson was absent for the public vote, she voted affirmatively when the three-member committee rendered their decision.]

Having served on a three-member committee chaired by Ms. Hone, Mr. Center moved, and Ms. Hone seconded, to expel a student for violation of the conditions of a probationary school assignment. The motion **passed unanimously.** [Clerk's Note: Although Mrs. Wilson was absent for the public vote, she voted affirmatively when the three-member committee rendered their decision.]

Having served on a three-member committee chaired by Ms. Hone, Mr. Center moved, and Ms. Hone seconded, to expel a student for possession and use of illegal drugs at school. The motion **passed unanimously.** [Clerk's Note: Although Mrs. Wilson was absent for the public vote, she voted affirmatively when the three-member committee rendered their decision.]

Having served on a three-member committee chaired by Ms. Hone, Mr. Center moved, and Ms. Hone seconded, to expel a student for possession of illegal drugs and paraphernalia at school. The motion **passed unanimously.** [Clerk's Note: Although Mrs. Wilson was absent for the public vote, she voted affirmatively when the three-member committee rendered their decision.]

Having served on a three-member committee chaired by Ms. Hone, Mr. Center moved, and Ms. Hone seconded, to expel two students for possession of illegal drugs at school. The motion **passed unanimously.** [Clerk's Note: Although Mrs. Wilson was absent for the public vote, she voted affirmatively when the three-member committee rendered their decision.]

Mr. Gibson moved, and Ms. Hone seconded, to authorize counsel to enter into a tolling agreement on behalf of the School board. The motion **passed 10-0-1**, with Mrs. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voting "aye," with Mrs. Kory abstaining, and with Mrs. Wilson absent.

5. CONSENT AGENDA

- 5.01 **Minutes** - Approve the minutes of April 10, 2008, regular School Board meeting (SB; Exhibit G)
- 5.02 **Additional Appointments** – Appoint individuals to serve on committees as listed in the agenda item (SB; Exhibit H)
- 5.03 **Monthly Separation Report** – Confirm the separations for the period beginning March 1, 2008, and ending March 31, 2008 (HR; Exhibit I)
- 5.04 **Quarterly Separation Report** – Confirm the appointments and separations for the period January 1, 2008, and ending March 31, 2008 (HR; Exhibit J)
- 5.05 **Legislative Recommendations for 2009** - Approve the legislative recommendations for 2009 for presentation to the Virginia School Boards

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Association (VSBA) Legislative, Policies and Resolutions Committee, as detailed in the agenda item (S; Exhibit K; presented as new business 4/10/08)

- 5.06 Easements** – (i) Approve the conveyance of the conservation easements to the Board of Supervisors for the Thoreau Middle School sidewalk extension, and (ii) authorize the Chief Operating Officer of Facilities and Transportation Services to execute on behalf of the School Board the Deed and any related documents as approved by the School Board counsel to accomplish the conveyance (FTS; Exhibit L; presented as new business 4/10/08)
- 5.07 Award of Contract** – Award the contract for the culinary kitchen and classroom renovation at Mount Vernon High School to Total Construction Management, LLC in the amount of \$723,004, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit M; presented as new business 4/10/08)
- 5.08 Award of Contract** – Authorize staff to negotiate professional services contracts for the facility program and condition assessment of the renovation queue with selected architectural firms and authorize the Division Superintendent, or his designee, to execute the contact on behalf of the School Board (FTS; Exhibit N presented as new business 4/10/08)

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

6. NEW BUSINESS

- 6.01 Award of Contract** – Recommendation to award the contract for the installation of synthetic turf fields at Marshall High School to General Sports Venue/Astroturf, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit O; action scheduled 5/8/08)

There was no discussion of this item.

- 6.02 Award of Contract** - Recommendation to award the contract for the Venetian blind purchase and installation contract 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 P; action scheduled 5/8/08)

There was no discussion of this item.

- 6.03 Memorandum of Understanding** – That the School Board approve and authorize execution of a Memorandum of Understanding (MOU) between the School Board, Merrifield, and National Amusements Inc., consistent with the approved rezoning proffers for the Merrifield Town Center property, adjacent to Luther Jackson Middle School, as detailed in the agenda item. (FTS; Exhibit Q; action scheduled 5/8/08)

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Mr. Gibson asked for an explanation of the MOU, and Chief Operating Officer Dean Tistadt responded that in connection with a redevelopment project, this move would enable the regrading and raising of the lower field at Jackson Middle School for eventual installation of a turf field. Mr. Niedzielski-Eichner commented that Supervisor Smith had been involved with securing the necessary resources for this project.

- 6.04 VDOE Annual Special Education Plan** – Recommendation to approve the 2008-2009 annual special education plan, part B funding application and Section 619 Preschool Grant Application, as detailed in the agenda item (SS; Exhibit R; action scheduled 5/8/08)

There was no discussion of this item.

- 6.05 Student Responsibilities and Rights** – Recommendation to approve the 2008-09 Students Responsibilities and Rights, as detailed in the agenda item (SS; Exhibit S; work session held 4/10/08; action scheduled 5/10/08)

There was no discussion of this item.

7. **SUPERINTENDENT MATTERS**

The Superintendent presented informational items.

8. **REPORTS** (Exhibit T)

Work Sessions, April 14, 2008 (Meeting Managers: Ms. Hone and Mrs. Strauss):

Operational Expectations – Community Relations Monitoring Report
Governance – Proposed Changes to the Community Relations Operational Expectations
Instruction – Family Life Education Curriculum Advisory Committee Recommendations
Special Services – Student Responsibilities and Rights; Proposed Virginia Special Education Regulations
Project Management Oversight Committee – Student Achievement Goal Project Update
Facilities – Capacity Study; Next Steps – Transportation Task Force
Linkage – Committee Update

Linkage Committee, April 18, 2008: Committee Chairman Center reminded Board members about the CLC breakfast on April 25.

Joint meeting with the Park Authority, April 21, 2008: School Board Park Authority liaison Phil Niedzielski-Eichner reported on: turf fields; Laurel Hill Complex; relationship between park managers and neighborhood schools

Audit Committee, April 24, 2008: Committee Vice Chairman Raney reported on: quarterly status report, development of proposed FY 2009 audit plan

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Forum Work Session, April 24, 2008: Chairman Storck reported on graduation protocol for School Board members; Mr. Niedzielski-Eichner gave a budget update.

9. BOARD MATTERS

Board Members made brief comments

10. ADJOURNMENT

The meeting was adjourned at 10:07 p.m.

11. DEBRIEF

The Board debriefed tonight's meeting.