

## MINUTES

### Fairfax County School Board

### Luther Jackson Middle School

Regular Meeting No. 19

May 8, 2008

#### 1. **CLOSED MEETING**

Chairman Daniel G. Storck convened the Board in public session at 5:50 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; arr. 5:57 p.m.)
Ilryong Moon (At Large)	Tessie Wilson (Braddock)

Mr. Gibson moved, and Mr. Niedzielski-Eichner 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 discuss and to consider the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board pursuant to Virginia Code Section 2.2-3711(A)(3). The motion **passed 11-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Niedzielski-Eichner, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Wilson voted "aye"; Mrs. Strauss was not present for the vote.

#### 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/National Anthem**

Chairman Storck convened the meeting at 7:05 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 Linda Sabo; and certain other members of staff. Student Representative to the School Board James Rosenquist was present.

Chairman Storck thanked the members of the Spring Hill Elementary School Chamber Orchestra, under the direction of Ruth Donahue, for their performance of the national anthem.

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### **2.02 Recognition of Child Nutrition Employee Week (Exhibit A)**

Student Representative James Rosenquist recognized Child Nutrition Employee Week, May 5-9, 2008, and invited child nutrition employees in the audience to come forward for a photograph with the Board.

### **2.03 Recognition of Better Hearing and Speech Month (Exhibit B)**

Mrs. Wilson recognized May as Better Hearing and Speech Month and invited hearing and speech clinicians in the audience to come forward for a photograph with the Board.

### **2.04 Recognition of National Adult and Continuing Education Week (Exhibit C)**

Mrs. Kory recognized National Adult and Continuing Education Week, May 21-25, 2008, and invited staff members, ACE students, and members of the Adult and Community Education Advisory Committee to come forward for a photograph with the Board.

### **2.05 National Board Certified Teacher Recognition (Exhibit D)**

Chairman Stork noted that the success of our school system was based on teachers and their commitment to children; Board members recognized approximately 50 teachers who had recently received or renewed their National Board Certification; and photographs were taken.

### **2.06 Certification of Closed Meeting Compliance (Exhibit E)**

Mr. Center moved, and Mr. Niedzielski-Eichner seconded, that since the Fairfax County School Board convened a closed session meeting on May 8, 2008, 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

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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.

### 2.07 Announcements

Chairman Storck thanked the Fairfax Education Association, and President Leonard Bumbaca, for the certificate presented to each Board member for their participation in Read Across America.

## 3. PRESENTATIONS TO SCHOOL BOARD

### 3.01 Citizen Participation (Exhibit F)

Ten speakers addressed the Board in the time reserved for public comment. Asrielle Ross, Stiven Foster, Sharyn Franck, Harley Hopkins, Jean Pierre Goncalves, J. Chapman Petersen, Nancy Espinoza, Sharon Ross, Craig McCall and Linda Rice-Johnston addressed Agenda Item No. 6.04, Location of the Graham Road/Devonshire Renovation.

## 4. ACTION ITEMS

### 4.01 Student Responsibilities and Rights - Approve the 2008-09 Students Responsibilities and Rights, as detailed in the agenda item (SS; Exhibit G; work session held 4/14/08; presented as new business 4/24/08)

Mrs. Smith moved, and Mr. Gibson seconded, to approve the 2008-09 Student Responsibilities and Rights, as detailed in the agenda item.

Comments included: Student Responsibilities and Rights was updated every year and that there were no substantial changes for 2008-09; the location of some of the information had been moved within the regulation and wording had been clarified.

Mrs. Wilson moved, and Mr. Gibson seconded, to amend Chapter II, Section C., Disciplinary Procedures (page 30), paragraph 3.b. (1) by revising the first sentence (by inserting the word "appropriate") to read as follows: "A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative education program." and (2) by revising the fourth sentence to read as follows: "If a student is eligible for special education services, the Pyramid Resource Specialist (PRS) can request participation of alternative school representatives during the Individualized Education Program (IEP) meeting to determine the appropriate placement."

Comments included: this section pertained to all students, not primarily special education students; original language was unclear and had caused some

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concern to parents; placement was determined by federal law and state and federal regulations and this amendment would clarify that language.

The motion to amend Chapter II, Section C., Disciplinary Procedures (page 30), paragraph 3.b. (1) by revising the first sentence (by inserting the word "appropriate") to read as follows: "A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative education program." and (2) by revising the fourth sentence to read as follows: "If a student is eligible for special education services, the Pyramid Resource Specialist (PRS) can request participation of alternative school representatives during the Individualized Education Program (IEP) meeting to determine the appropriate placement" **passed unanimously.**

Mrs. Wilson moved, and Mr. Gibson seconded, to amend Chapter II, Section C., Disciplinary Procedures (page 32), paragraph 6.b. by revising the second sentence (by replacing the word "relevant" with "appropriate") to read as follows: "Appropriate members of the IEP team shall determine, pursuant to special education procedures, whether or not the misconduct is a manifestation of the student's disability." The motion **passed unanimously.**

The motion to approve the 2008-09 Student Responsibilities and Rights, as detailed in the agenda item and as amended as follows: to amend Chapter II, Section C., Disciplinary Procedures (page 30), paragraph 3.b. (1) by revising the first sentence (by inserting the word "appropriate") to read as follows: "A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative education program." and (2) by revising the fourth sentence to read as follows: "If a student is eligible for special education services, the Pyramid Resource Specialist (PRS) can request participation of alternative school representatives during the Individualized Education Program (IEP) meeting to determine the appropriate placement."; and to amend Chapter II, Section C., Disciplinary Procedures (page 32), paragraph 6.b. by revising the second sentence (by replacing the word "relevant" with "appropriate") to read as follows: "Appropriate members of the IEP team shall determine, pursuant to special education procedures, whether or not the misconduct is a manifestation of the student's disability." **passed unanimously.**

### 4.02 Confirmation of Action Taken in Closed Meeting

Mr. Gibson moved, and Ms. Hone seconded, to expel a student for assaulting another student on a school bus. The motion **passed unanimously.**

Mrs. Wilson moved, and Mr. Niedzielski-Eichner seconded, to expel a student for being charged with certain crimes on school property. The motion **passed unanimously.**

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Mrs. Smith moved, and Mr. Niedzielski-Eichner seconded, to expel a student for possession and use of illegal drugs and possession of other prohibited items at school. The motion **passed unanimously.**

Mr. Niedzielski-Eichner moved, and Mr. Center seconded, to expel two students for possession and distribution of illegal drugs on school property. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Wilson, Mrs. Strauss moved, and Mr. Moon seconded, to expel a student for sexually harassing another student at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Wilson, Mr. Moon moved, and Mrs. Strauss seconded, to expel a student for threatening another student and engaging in gang-related activities at school. The motion **passed unanimously.**

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

### 5. CONSENT AGENDA

- 5.01 **Minutes** – Approve the minutes of April 14, 2008, Operational Expectations work session and April 24, 2008, regular School Board meeting (SB; Exhibit H)
- 5.02 **Additional Appointments** – Appoint individuals to serve on committees as listed in the agenda item.
- 5.03 **Award of Contract** – Award the contract for the Venetian blind purchase and installation to Next Day Blinds, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit I; presented as new business 4/24/08)
- 5.04 **VADOE Annual Special Education Plan** – 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 J; presented as new business 4/24/08)
- 5.05 **Memorandum of Understanding** – 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 K; presented as new business 4/24/08)

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

### 6. NEW BUSINESS

- 6.01 FY 2009 Approved Budget** - Recommendation to 1.) adopt the FY 2009 Approved Budget, to include revenue and expenditure adjustments, as detailed in the agenda item. 2.) approve the attached resolution that establishes a trust for the purpose of accumulating and investing assets to fund other post-employment benefits and pre-fund these benefits by participating in the "Virginia Pooled Other Post-Employment Benefits Trust Fund" administered by the Virginia Municipal League and the Virginia Association of Counties, as detailed in the agenda item. 3.) appoint the Deferred Compensation Board of Fairfax County Public Schools to serve the OPEB Trust Board of Fairfax County Public Schools as the trustee and direct the OPEB Trust Board of Fairfax County Public Schools to execute and deliver the Trust Joinder Agreement for Participating Employers under Virginia Pooled OPEB Trust Fund, as detailed in the agenda item (FS; Exhibit L; work sessions scheduled 5/12/08 and 5/19/08; public hearings scheduled 5/14/08; action scheduled 5/22/08)

Superintendent Dale provided an overview of the total FY 2009 budget that included his recommended changes since the Board had approved the Advertised Budget in February. The budget highlights include: the Advertised Budget had included a 4.0 percent county transfer request but the Board of Supervisors had approved a transfer of only 2.5 percent in their final budget; reducing employees' cost-of-living increase from 3 percent to 2 percent, a reduction of \$17.5 million; reducing central office support to schools, saving \$10.1 million; eliminating expansion of full-day kindergarten to an additional 21 elementary schools for savings of \$5.7 million; eliminating expansion of the Foreign Language in the Elementary School (FLES) program to an additional 16 schools saving \$1 million; increasing class size by 0.5 student, for a reduction of \$11 million and 158 school positions; redesigning summer school, Project Excel, QUEST, the Student Accountability Program, the Summit program, and the Young Scholars program to save \$8.6 million; increasing funding for membership because student enrollment had increased by 3,541 students from the FY 2008 approved budget for an added cost of \$22 million; increasing funding for fuel because costs had increased by \$5 million.

Deirdra McLaughlin, Chief Financial Officer, provided an explanation of the requirement to implement the Governmental Accounting Standards Board (GASB) Statement No. 45 for Other Post-Employment Benefits (OPEB) and to establish a trust by participating in the Virginia Pooled OPEB Trust for the purpose of accumulating and investing assets to fund other post-employment benefits; GASB 45 addresses how FCPS should account for and report costs

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related to post-employment health care and other non-pension benefits, such as the retiree health benefit subsidy.

The Board would hold work sessions on May 12 and 19, 2008, for further discussion of the FY 2009 Approved Budget, a public hearing on May 14, 2008, and the vote on May 22, 2008.

Comments and questions included: concern about the loss of Title I funds that went directly to schools; \$50 million had been included in the FY 2009 beginning balance; FLES would continue to be funded for programs in existing schools but no additional schools would be added; question if additional funds became available whether cost-of-living adjustments could be given in incremental amounts; positive response and the cost would be \$1.75 million for each tenth of a percent.

- 6.02 Waiver of Verified Credits (SOL)** - Recommendation to request waivers of verified credit requirements, as detailed in the agenda item, for two students identified to School Board Members (SS; Exhibit M; action scheduled 5/22/08)

There was no discussion of this item.

- 6.03 CTEMS Annual Plan and 2008-2009 Application for Career and Technical Education Funds** - Recommendation to approve the CTEMS Annual Plan and 2008-2009 Application for Career and Technical Education Funds (IS; Exhibit N; action scheduled 5/22/08)

There was no discussion of this item.

- 6.04 Location of the Graham Road/Devonshire Renovation** - Recommendation to approve one of the two provided options for the location of the Graham Road/Devonshire renovation, as detailed in the agenda item (FTS; Exhibit O; work session scheduled 5/12/08; action scheduled 5/22/08)

There was no discussion of this item.

- 6.05 Junior Achievement Finance Park Project** - Recommendation to authorize the execution of the documents between the Fairfax County School Board and the Washington Capital Region of Junior Achievement and authorize the Division Superintendent, or his designee, to execute the documents on behalf of the School Board (FTS; Exhibit P; work scheduled 5/12/08; action scheduled 5/22/08)

There was no discussion of this item.

- 6.06 Award of Contract** - Recommendation to award the contract for the slope remediation project at Langley High School to the lowest responsive and

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responsible bidder and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; Exhibit Q; action scheduled 5/22/08)

There was no discussion of this item.

7. **SUPERINTENDENT MATTERS**

The Superintendent may present items for information.

8. **REPORTS** (Exhibit R)

Community Leadership Council Breakfast Meeting, April 25, 2008: Linkage Committee Chairman Center reported that it was a good meeting.

Governance Committee, April 28, 2008: Committee Chairman Smith reported on: Goal 2. Essential Life Skills language revisions.

Linkage Committee, May 5, 2008: Committee Chairman Center reported on: recap of April 25, 2008, Community Leadership Council breakfast meeting; study circles; Policy 4510.1, Communication with Employee Organizations

Forum Work Session, May 8, 2008: Chairman Storck reported on: Dr. Dale's proposal for the end of school year 2007-2008.

FECEP/Head Start: School Board Liaison Mrs. Kory gave an update on the recent Federal review of the program.

9. **ADJOURNMENT**

The meeting was adjourned at 10:42 p.m.

10. **DEBRIEF**

The Board did not debrief the meeting.