

## MINUTES

### Fairfax County School Board

### Luther Jackson Middle School

Regular Meeting No. 1

July 10, 2008

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

Vice Chairman Smith convened the Board in public session at 6:00 p.m. with a quorum of members present:

Elizabeth T. Bradsher (Springfield)	Phillip A. Niedzielski-Eichner (Providence; arr. 6:07)
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; ABSENT)
Kaye Kory (Mason; arr. 6:15)	Jane K. Strauss (Dranesville)
Ilryong Moon (At Large)	Tessie Wilson (Braddock)

Mr. Center moved, and Ms. Bradsher 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); 2) to protect the privacy of individuals in personal matters not related to public business pursuant to Virginia Code Section 2.2-3711 (A)(4); 3) to discuss and consider the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Virginia Code Section 2.2-3711 (A)(6); and 4) to consult with legal counsel regarding actual litigation and regarding specific legal matters requiring the provision of legal advice by counsel pursuant to Virginia Code Section 2.2-3711(A)(7). The motion **passed 9-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Raney, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory and Mr. Niedzielski-Eichner were not present for the vote; Mr. Storck was absent.

#### 2. **MEETING OPENING**

***[NOTE: EACH AGENDA ITEM IS AVAILABLE ON MP3 AUDIO FILES AT <http://www.boarddocs.com/vsba/Fairfax/Board.nsf/Public?OpenFrameSet>]***

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

Vice Chairman Smith convened the meeting at 7:15 p.m. with a quorum of Board members present. Also present were Division Superintendent Jack D. Dale;

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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 Arvin Ahmadi was present.

### **2.02 Certification of Closed Meeting Compliance (Exhibit A)**

Mr. Center moved, and Mr. Niedzielski-Eichner seconded, that since the Fairfax County School Board convened a closed session meeting on July 10, 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 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 9-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voted "aye"; Ms. Hone and Mrs. Kory were not present for the vote; Mr. Storck was absent.

### **2.03 Announcements**

Vice Chairman Smith announced that Chairman Storck was out of town, and therefore she would be chairing tonight's meeting; on behalf of the entire Board, she welcomed Student Representative Arvin Ahmadi to his first School Board meeting.

Vice Chairman Smith announced that consideration of Agenda Item 4.02, Purchase and Sale Agreement for 8111 Gatehouse Road, would be deferred to the July 24 Board meeting; that School Board counsel had advised that there were a few outstanding matters being addressed in the negotiations with the seller in the potential acquisition of the Gatehouse Road property, and deferring consideration of this item would allow time to resolve those matters.

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### 3. PRESENTATIONS TO SCHOOL BOARD

**3.01 Spotlight on Learning** – Centreville High School Students Impacting the Legislative Process (Exhibit B)

**3.02 Citizen Participation** (Exhibit C )

Two speakers addressed the Board in the time reserved for public comment. Mike Grasso addressed Agenda Item No. 4.02, Purchase and Sale Agreement for 8111 Gatehouse Road; and Janet Otersen addressed budget concerns.

**3.03 Student Representative Matters**

Mr. Ahmadi said that he was looking forward to the opportunity to serve as the 2008-2009 Student Representative; he was interested in many issues, including the grading scale, start times for students, and eco-friendly initiatives, and he would be working to get more students involved in discussions through open forums and the use of FCPS 24-7 Learning (Blackboard).

### 4. ACTION ITEMS

**4.01 Passages** – Adopt Passages reporting, measures, and uses, as detailed in the agenda item (A; presented as new business 6/19/08; Exhibit D)

Mr. Gibson moved, and Mr. Center seconded, to adopt Passages reporting, measures, and uses, as detailed in the agenda item.

Comments included: commendation to staff for presenting the information in a creative and well-documented manner; and expectation that future reports might be able to incorporate a measurement for readiness at the earlier grades.

The motion to adopt Passages reporting, measures, and uses **passed 11-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voted “aye”; Mr. Storck was absent.

**4.02 Purchase and Sale Agreement for 8111 Gatehouse Road** – 1) Authorize school system staff to negotiate a Purchase and Sale Agreement (PSA) with 8111 Gatehouse Investors, LLC, as seller, that will provide for the purchase of the real property and improvements located at 8111 Gatehouse Road, Merrifield, Virginia; the payment by the School Board of a \$52 million purchase price and the reimbursement to seller for certain pre-closing renovation costs not to exceed \$5 million; and such other provisions as are customary for such transactions and

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consistent with the terms presented in closed session; 2) authorize the Chief Operating Officer to execute and deliver, after consultation with the School Board's attorney, a PSA in substantial conformity with the foregoing; 3) direct staff to engage the community and obtain feedback about the transaction and to report back to the School Board on September 4, 2008, with the results of the community engagement process and with a final recommendation (FTS; presented as new business 6/19/08; Exhibit E)

Vice Chairman Smith noted that consideration of this agenda item had been deferred to the July 24 Board meeting (see Agenda Item 2.03, Announcements).

### 4.03 Confirmation of Action Taken in Closed Meeting

Having served on a three-member committee chaired by Mr. Center, Ms. Hone moved, and Mr. Niedzielski-Eichner seconded, to expel a student for possession of illegal drugs and drug paraphernalia at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mr. Center, Ms. Hone moved, and Mr. Niedzielski-Eichner seconded, to expel a student for inappropriately touching another student at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mr. Center, Ms. Hone moved, and Mr. Niedzielski-Eichner 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 Mrs. Wilson, Mr. Gibson moved, and Mrs. Kory seconded, to expel two students for possession and distribution of illegal drugs at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Wilson, Mr. Gibson moved, and Mrs. Kory seconded, to expel a student for sexual assault of a student at school. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Wilson, Mr. Gibson moved, and Mrs. Kory seconded, to expel a student for possession of a weapon on school property and use of the weapon to threaten other students. The motion **passed unanimously.**

Having served on a three-member committee chaired by Mrs. Smith, Ms. Bradsher moved, and Mrs. Strauss seconded, to expel a student for possession and use of a weapon at school and use of the weapon to threaten other students. The motion **passed unanimously.**

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Mr. Gibson moved, and Mrs. Wilson 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 11-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Storck was absent.

Mrs. Strauss moved, and Ms. Bradsher 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 11-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Storck was absent.

### 5. CONSENT AGENDA

- 5.01 **Minutes** – Approve the minutes of May 12 and June 9, 2008, Operational Expectations work sessions and June 19, 2008, regular School Board meeting (SB; Exhibit F)
- 5.02 **Additional Appointments** – Appoint individuals to serve on committees as listed in the agenda item (SB; Exhibit G)
- 5.03 **School Board Policy** – Rescind Policy 5705, Purpose and Responsibilities of Risk (Exhibit H)
- 5.04 **School Board Policy** – Rescind Policy 4030, Opportunities for Individual Assistance (SB; Exhibit I)
- 5.05 **School Board Policy** – Rescind Policy 4265, Human Immunodeficiency Virus (HIV) (SB; Exhibit J)
- 5.06 **School Board Policy** – Adopt Policy 1802.8, Student Representative to the School Board, as reviewed and discussed at the Policy work session (Exhibit K)
- 5.07 **School Board Policy** – Adopt Policy 2245.1, Home Instruction, as reviewed and discussed at the Policy work session (SS; presented as new business 6/5/08; work session held 6/9/08; Exhibit L)
- 5.08 **School Board Policy** – Adopt Policy 7405.2, Authority to Contract, as reviewed and discussed at the Policy work session (FS; presented as new business 6/5/08; work session held 6/9/08; Exhibit M)
- 5.09 **School Board Policy** – Adopt Policy 7540.2, Disposal of Surplus books, Equipment, Instructional Materials, Furniture, and Supplies, as reviewed and discussed at the Policy work session (FS; presented as new business 6/5/08; work session held 6/9/08; Exhibit N)

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- 5.10 School Board Policy** - Adopt Policy 8310.2, Site Planning and Development, as reviewed and discussed at the Policy work session (FTS; presented as new business 6/5/08; work session held 6/9/08; Exhibit O)
- 5.11 Authorization of Signatures in Absence of Division Superintendent –** Authorize Richard A. Moniuszko, Deputy Superintendent and Susan Quinn, Acting Chief Financial Officer, to execute official documents relating to state, federal and impact aid requiring the Division Superintendent's signature beginning July 1, 2008, through December 31, 2009 (S; Exhibit P)

Vice Chairman Smith stated that, without objection, the eleven items on the consent agenda would be adopted. Hearing no objection, the consent agenda was adopted.

### 6. NEW BUSINESS

- 6.01 FY 2008 Final Budget Review** - Recommendation to approve the revenue and expenditure adjustments as detailed in the agenda item (FS; work session scheduled 7/14/08; action scheduled 7/24/08; Exhibit Q)

Acting Chief Financial Officer Susan Quinn reviewed the agenda item. Comments included the following: the FY 2009 approved budget included a \$50 million beginning balance, but that would not be possible for the FY 2010 budget, as this final budget review reflected a one-tenth of one percent (or \$2.7 million) ending balance for FY 2008, which was the lowest ending balance in recent history; adjustments were made to cover increased utility costs, but fuel, other utilities, and student enrollment would need to be closely monitored in FY 2009; if there was a major increase in fuel prices or student enrollment next year, options to address that situation would be very limited; the Board would discuss guidelines for next year's budget process at the July 14 work session; request that the Board be briefed more frequently on revenue and expenditure contingency plans as the year progressed. The Superintendent noted that the County and FCPS were collaborating on a multi-year project being funded by the Board of Supervisors (BOS) to replace various legacy systems, and FCPS would be working with the County on the finance system; the project might be discussed at the July 18 joint BOS/School Board meeting when there would be a presentation on the current lines of business and program review.

- 6.02 School Board Liaisons and Committee Chairmanships** - Recommendation to confirm committee liaisons and chairmanships, as listed in the agenda item (SB; action scheduled 7/24/08; Exhibit R)

There was no discussion of this item.

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- 6.03 Appointment of VSBA Delegate and Alternate** - Recommendation to appoint a delegate and an alternate to the Virginia School Boards Association 2008 Annual Conference (SB; action scheduled 7/24/08; Exhibit S)

There was no discussion of this item.

- 6.04 TJHSST** - Recommendation to approve the Virginia Department of Education designation of Thomas Jefferson High School for Science and Technology as the 2008-2009 Governor's Regional School for Science and Technology in Northern Virginia (Cluster III; action scheduled 7/24/08; Exhibit T)

There was no discussion of this item.

- 6.05 FY 2009 Annual Audit Plan** - Recommendation to approve the FY 2009 Audit Plan, as detailed in the agenda item (S; work session scheduled 7/14/08; action scheduled 7/24/08; Exhibit U)

There was no discussion of this item.

- 6.06 Charges to School Board Advisory Committees** - Recommendation to approve the charges for 2008-2009 for the following School Board Citizen Advisory Committees: Adult and Community Education, Students with Disabilities, Gifted and Talented (Advanced Academic Achievement), Career and Technical Education, District Advisory Council for the Fairfax County Compensatory Education Title I Program, FECEP/Head Start, Human Relations, Minority Student Achievement Oversight, and School Health, as detailed in the agenda item (S; action scheduled 7/24/08; Exhibit V)

There was no discussion of this item.

- 6.07 School Board Policy** - Recommendation to rescind Policy 1818, Annual School Board Conference(s), as reviewed and discussed by the Governance Committee (SB; action scheduled 7/24/08; Exhibit W)

There was no discussion of this item.

- 6.08 Award of Contract** - Recommendation to award the contract for the re-roofing of South Lakes High School to Interstate Corporation in the amount of \$1,195,000, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; action scheduled 7/24/08; Exhibit X)

There was no discussion of this item.

- 6.09 Easement** - Recommendation to accept compensation in the amount of \$1,063,500.00 for conveyance of the easements described in the attached draft

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deeds to the Commonwealth of Virginia, Department of Transportation (VDOT) and to various utilities, and authorize the Chief Operating Officer to execute on behalf of the School Board and deliver to VDOT, in exchange for such compensation, the deeds and any necessary related documents, all as approved by the School Board counsel, to accomplish such conveyances (FTS; action scheduled 7/24/08; Exhibit Y)

There was no discussion of this item.

- 6.10 Sale of House** - Recommendation to authorize the Division Superintendent, or his designee, to sign all documents associated with the sale of the first house on lot one (Lot One) of Spring Village Estates of Springfield Section One (IS; action scheduled 7/24/08; Exhibit Z)

There was no discussion of this item.

- 6.11 Award of Contract** - Recommendation to approve the award of contract for providing 403(b) Third Party Administrator services for FCPS employees to TSA three (3) year contract as recommended by the Office of Benefit Services and the Selection Advisory Committee (SAC) (HR; action scheduled 7/24/08; Exhibit AA)

There was no discussion of this item.

- 6.12 Resolution** - Recommendation to adopt a resolution in support of the need for parental consent in the provision of education and related services to children with special needs (SB; work session held 7/10/08; action scheduled 7/24/08; Exhibit BB)

There was no discussion of this item.

### **7. SUPERINTENDENT MATTERS**

The Superintendent presented informational items.

### **8. REPORTS**

#### **June 20, 2008 - Governance - Kathy Smith, Chairman**

Develop agenda for upcoming retreat

#### **June 19 and July 10, 2008 - Forums - Kathy Smith, Vice Chairman**

Resolution regarding proposed changes to state special education regulations; Feasibility (and timeline) of posting amendments to Board Docs for public information; Girls fastpitch softball equity; Policy 2611, Procedures for Hearings and Appeals to School Board

#### **June 19, 2008 - Audit - Tessie Wilson, Chairman**

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Discuss and finalize plans for next year's audit

### **June 9, 2008 - Work Sessions - Kathy Smith and Stuart Gibson, Meeting Managers**

Operational Expectations - Relationship with the Board

Governance - Review of Operational Expectations Language for Relationship with the Board; Review of Recommended Changes to Operational Expectations Language for Facilities and Transportation Services, Budget and Financial Management, Community Relations, and Instructional Program and Treatment of Students; Calendar Meeting Requirements; 2008-2009 Charges to School Board Advisory Committees; Policy 1710, Citizen Advisory Committees to the School Board

Human Resources - ERFC Annual Update

Policy - Policy 1802, Student Representative to the School Board; Policy 2245, Home Instruction; Policy 7405, Authority to Contract; Policy 7540, Surplus Property; Policy 8310, Site Planning and Development; Policy 7130, Vehicle Replacement

Facilities - South County Secondary School Options

#### **9. BOARD MATTERS**

The Board Members made brief comments.

#### **10. ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

#### **11. DEBRIEF**

The Board did not debrief tonight's meeting.