

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 2

July 24, 2008

1. **CLOSED MEETING**

Chairman Storck convened the Board in public session at 6:20 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)

Mr. Gibson moved, and Mr. Raney seconded, that the Board go into closed session 1) to discuss and consider disciplinary matters concerning students pursuant to VA Code Section 2.2-3711(A)(2); and 2) to discuss the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Virginia Code Section 2.2-3711(29). The motion **passed unanimously.**

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

Chairman Storck convened the meeting at 7:12 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 Arvin Ahmadi was present.

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2.02 Certification of Closed Meeting Compliance (Exhibit A)

Mr. Center moved, and Mrs. Smith seconded, that since the Fairfax County School Board convened a closed session meeting on July 24, 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 unanimously.**

2.03 Announcements

There were no announcements.

3. PRESENTATIONS TO SCHOOL BOARD

3.01 Spotlight on Learning – Sangster Elementary School Project to Support U. S. Troops in Iraq (Exhibit B)

After the Spotlight on Learning, Mr. Gibson recognized Randy Wyant, Information Technology photographic specialist, for his 27 years of service to FCPS. On behalf of the School Board, Mr. Gibson presented a plaque to Mr. Wyant in appreciation for his fine work and invited Mr. Wyant's family and friends to join the Board for photographs.

3.02 Citizen Participation (Exhibit C)

Six speakers addressed the Board in the time reserved for public comment. Ms. Carlin, Ms. Smith, Mr. Barber, and Ms. Craft addressed Agenda Item No. 4.05 Purchase and Sale Agreement for 8111 Gatehouse Road; Ms. Baldino addressed Agenda Item No. 4.01 FY 2008 Final Budget Review; and Mr. Bumbaca addressed Agenda Item No. 6.06 Fall 2008 Scope of Boundary Studies.

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3.03 Student Representative Matters

Mr. Ahmadi stated he had already attended a number of Board meetings, which reinforced the importance of listening.

4. ACTION ITEMS

- 4.01 FY 2008 Final Budget Review** – Approve the revenue and expenditure adjustments as detailed in the agenda item (FS; presented as new business 7/10/08; work session held 7/14/08; Exhibit D)

Mr. Niedzielski-Eichner moved, and Mr. Moon seconded, to approve the revenue and expenditure adjustments as detailed in the agenda item.

Comments and discussion included the following: revenue for FCPS had decreased and expenditures had increased, and state sales tax adjustment had resulted in an increase of approximately \$1 million, to be applied to the FY 2010 beginning balance, absent pressing need. Dr. Dale noted that the Woodson Adult Completion program waitlist was generated upon a student's enrollment prior to class placement, and data on the length of time on the waitlist would be used to determine whether program capacity was adequate or would be addressed through the program surplus.

The motion to approve the revenue and expenditure adjustments as detailed in the agenda item **passed unanimously.**

- 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 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 18, 2008, with the results of the community engagement process and with a final recommendation (FTS; presented as new business 7/24/08; Exhibit E)

Mrs. Wilson moved, and Mrs. Strauss seconded, to 1) authorize school

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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 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 18, 2008, with the results of the community engagement process and with a final recommendation.

Discussion and comments included: clarification that funding for the purchase of the building would be from savings associated with consolidation of staff, lease expirations, and operational efficiencies and would not divert funds from the Capital Improvement Program; three of the FCPS administrative buildings were proposed to be reopened as elementary schools and others would be returned to the Board of Supervisors for community use; although the current overall budget outlook was grave, feedback to date had been positive on the business model used and its creative financing; and the community would be afforded the opportunity to provide additional feedback on the purchase during the 60-day due diligence period.

The motion to 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 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 18, 2008, with the results of the community engagement process and with a final recommendation **passed 11-1**: Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Ms. Bradsher voted "nay."

- 4.03 Resolution** - 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; presented as new business 7/10/08; Exhibit F)

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Mrs. Wilson moved, and Mr. Gibson seconded, 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.

Comments included: appreciation was expressed to Alexandria City School Board for their work on this resolution; the partnership between parents and staff was the core of parental involvement.

The motion 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 passed unanimously.

- 4.04 School Board Policy** - Amend Policy 7325, Video Surveillance, to permit a pilot for closed circuit TV technology and video recording at Annandale, Mount Vernon, and Westfield High Schools and Lake Braddock, Robinson, and South County Secondary Schools (FTS; work session held 7/14/08; Exhibit G)

Mr. Moon moved, and Mrs. Wilson seconded, to amend Policy 7325, Video Surveillance, to permit a pilot for closed circuit TV technology and video recording at Annandale, Mount Vernon, and Westfield High Schools and Lake Braddock, Robinson, and South County Secondary Schools.

Comments included: Policy 7325 currently permitted video surveillance outside school buildings and storage areas; the recommended change was proposed to address the \$1.2 million theft of food from school cafeterias through a six-school pilot for additional video surveillance in school cafeteria serving lines only for the 2008-2009 school year period.

Ms. Hone moved, and Mrs. Kory seconded, to amend the main motion by adding the following language: "During the period of this pilot, staff shall review the school system's data retention and related policies to insure that the provisions regarding the storage, security, retention and destruction of digital images are consistent with law, reasonable, and protective of student privacy. Staff also shall take steps to ensure that no images are distributed outside the school system except as permitted by law and school system policy. At the end of the pilot, staff shall provide a report to the Board about the results of the pilot and any recommendations for updating the records and video surveillance policies. Parents, guardians and students shall be alerted to the cafeteria line video surveillance policy via school announcements at the beginning of the academic year, and by clearly posted signage in the cafeteria and cafeteria serving lines."

Comments included: the amendment addressed the protection of information and digital images; notification of the surveillance cameras by announcements and signs might deter theft as effectively as the cameras; and the six schools scheduled to pilot the program were the ones that had experienced the greatest theft.

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The motion to amend the main motion by adding the following language: During the period of this pilot, staff shall review the school system's data retention and related policies to insure that the provisions regarding the storage, security, retention and destruction of digital images are consistent with law, reasonable, and protective of student privacy. Staff also shall take steps to ensure that no images are distributed outside the school system except as permitted by law and school system policy. At the end of the pilot, staff shall provide a report to the Board about the results of the pilot and any recommendations for updating the records and video surveillance policies. Parents, guardians and students shall be alerted to the cafeteria line video surveillance policy via school announcements at the beginning of the academic year, and by clearly posted signage in the cafeteria and cafeteria serving lines **passed unanimously.**

Comments on the motion as amended included: concern was expressed regarding the loss of student privacy and the need to ensure appropriate oversight for any surveillance; and the cost of the theft to the school system balanced the minimal level of student privacy loss.

The motion to amend Policy 7325, Video Surveillance, to permit a pilot for closed circuit TV technology and video recording at Annandale, Mount Vernon, and Westfield High Schools and Lake Braddock, Robinson, and South County Secondary Schools, and amended with the following additional language: During the period of this pilot, staff shall review the school system's data retention and related policies to insure that the provisions regarding the storage, security, retention and destruction of digital images are consistent with law, reasonable, and protective of student privacy. Staff also shall take steps to ensure that no images are distributed outside the school system except as permitted by law and school system policy. At the end of the pilot, staff shall provide a report to the Board about the results of the pilot and any recommendations for updating the records and video surveillance policies. Parents, guardians and students shall be alerted to the cafeteria line video surveillance policy via school announcements at the beginning of the academic year, and by clearly posted signage in the cafeteria and cafeteria serving lines **passed 10-2**: Ms. Bradsher, Mr. Center, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Gibson and Mr. Raney voted "nay."

4.05 Confirmation of Action Taken in Closed Meeting (Exhibit H)

Mr. Center moved, and Mr. Raney seconded, to expel a student for possession and distribution of illegal drugs at school. The motion **passed 11-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory was not present for the vote.

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Mr. Gibson moved, and Mr. Raney seconded, to expel a student for numerous acts of misconduct at school. The motion **passed 11-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory was not present for the vote.

Mrs. Strauss moved, and Mr. Raney seconded, to expel three students for violation of the conditions of probationary school assignments. The motion **passed unanimously**.

Mr. Gibson moved, and Mrs. Smith seconded, to deny the parent's request for a student's assignment to a regular school, but permit attendance in an alternative education program, on the terms recommended by the Division Superintendent. The motion **passed 11-0-1**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, and Mrs. Strauss voted "aye"; Mrs. Wilson abstained.

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 weapons at school. The motion **passed unanimously**.

Having served on a three member committee chaired by Ms. Bradsher, Mrs. Strauss moved, and Mrs. Smith seconded, to expel a student for inappropriately touching other students and for indecent exposure at school. The motion **passed unanimously**.

Having served on a three member committee chaired by Ms. Bradsher, Mrs. Strauss moved, and Mrs. Smith seconded, to expel a student for engaging in numerous acts of misconduct at school. The motion **passed unanimously**.

Having served on a three member committee chaired by Ms. Bradsher, Mrs. Strauss moved, and Mrs. Smith seconded, to expel two students for violation of the conditions of probationary school assignments. The motion **passed unanimously**.

Having served on a three member committee chaired by Ms. Bradsher, Mrs. Smith moved, and Mrs. Strauss seconded, to expel a student for engaging in numerous acts of misconduct at school. The motion **passed unanimously**.

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

Having served on a three member committee chaired by Ms. Bradsher, Mrs. Smith moved, and Mrs. Strauss seconded, to expel a student for possession and distribution of illegal drugs at school. The motion **passed unanimously**.

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

5. CONSENT AGENDA

- 5.01 **Minutes** – Approve the minutes of July 10, 2008, regular business meeting (SB; Exhibit I)
- 5.02 **Additional Appointments** – Appoint individuals to serve on committees as listed in the agenda item (SB; Exhibit J)
- 5.03 **Monthly Separation Report** - Confirm the separations for the period beginning June 1, 2008, and ending June 30, 2008, as detailed in the agenda item (HR; Exhibit K)
- 5.04 **Quarterly Separation Report** - Confirm the appointments and separations for the period beginning April 1, 2008, and ending June 30, 2008, as detailed in the agenda item (HR; Exhibit L)
- 5.05 **Award of Contract** - 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; presented as new business 7/12/08; Exhibit M)
- 5.06 **School Board Policy** - Approve the request to rescind Policy 1818, Annual School Board Conference(s), as reviewed and discussed by the Governance Committee (SB; work session held 6/20/08; presented as new business 7/10/08; Exhibit N)
- 5.07 **Award of Contract** - Approve the award of contract for providing 403(b) Third Party Administrator services for FCPS employees to TSA Consulting Group, Inc., effective August 1, 2008, and through the duration of the three (3) year contract as recommended by the Office of Benefit Services and the Selection Advisory Committee (SAC) (HR; presented as new business 7/10/08; Exhibit O)
- 5.08 **Easement** - Accept compensation in the amount of \$1,063,500.00 for conveyance of the easements described in the attached draft 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; presented as new business 7/10/08; Exhibit P)
- 5.09 **Sale of House** - 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; presented as new business 7/10/08; Exhibit Q)

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- 5.10 **TJHSST** - 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; presented as new business 7/10/08; Exhibit R)
- 5.11 **FY 2009 Audit Plan** - Approve the FY 2009 Audit Plan, as detailed in the agenda item (S; presented as new business 7/10/08; work session held 7/14/08; Exhibit S)
- 5.12 **School Board Liaisons and Committee Chairmanships** - Confirm committee liaisons and chairmanships, as listed in the agenda item (SB; presented as new business 7/10/08; Exhibit T)
- 5.13 **Appointment of VSBA Delegate and Alternate** - Appoint Elizabeth Bradsher as the delegate and Jane Strauss as the alternate to the Virginia School Boards Association 2008 Annual Conference (SB; presented as new business 7/10/08; Exhibit U)
- 5.14 **Charges to School Board Citizen Advisory Committees for 2008-2009** - 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 Programs), 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; presented as new business 7/10/08; Exhibit V)

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

6. NEW BUSINESS

- 6.01 **Challenged Materials Interdepartmental Review Committee Appointments** - Recommendation that six School Board Members appoint individuals to serve a one-year term on the Challenged Materials Interdepartmental Review Committee, as listed in the agenda item (IS; action scheduled 9/18/08; Exhibit W)

There was no discussion of this item.

- 6.02 **FLECAC Appointments** - Recommendation to appoint individuals to serve on the Family Life Education Curriculum Advisory Committee, as listed in the agenda item (IS; action scheduled 9/18/08; Exhibit X)

There was no discussion of this item.

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- 6.03 Revisions to the Governance Manual** - Recommendation to approve the proposed revisions to Section 2, Operational Expectations, Section 4, Board Committees, and Section 5, Meetings, of the Strategic Governance Manual, as detailed in the agenda item. (SB; action scheduled 9/4/08; Exhibit Y)

There was no discussion of this item.

- 6.04 Resolution** - Recommendation to adopt a joint School Board and Board of Supervisors resolution to undertake a detailed review of county lines of business and school programs to identify opportunities for streamlining, consolidations, and eliminations (SB; action scheduled 9/4/08; Exhibit Z)

There was no discussion of this item.

- 6.05 Program Review** - Recommendation to establish the Core Program Review Ad Hoc Committee for the purpose of conducting a detailed program and operations review, with Brad Center, Ilryong Moon, Phil Niedzielski-Eichner, Kathy Smith, Jane Strauss, and Tessie Wilson appointed to the Core Committee, with the Budget Liaison designated as the chair; further move that non-Core Board members are encouraged and welcomed to participate in any of the program reviews; further move that the Core Program Review Ad Hoc Committee designate, in consultation with the Superintendent, the schedule of meetings in September, October, and November 2008, in preparation for the November 14, 2008, joint Board of Supervisors and School Board meeting regarding the review (SB; action scheduled 9/4/08; Exhibit AA)

Comments included that these meetings would be open to the public.

- 6.06 Criteria and Scope for the Fall 2008 Boundary Studies** - Recommendation to approve the following: 1) criteria for boundary decisions, 2) the scope for the Fall 2008 Coppermine elementary school site boundary study, and 3) the scope for the Fall 2008 Laurel Hill elementary school site boundary study, as detailed in the agenda item (FTS; work session held 7/14/08; action scheduled 9/4/08; Exhibit BB)

Comments included that the Board had discussed the criteria and scope of the boundary studies in order to provide direction to staff and to clarify the process for the community.

7. **SUPERINTENDENT MATTERS**

The Superintendent presented informational items.

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8. **REPORTS** (Exhibit CC)

July 11, 2008 - Linkage Committee, Brad Center, Chairman

Policy 4510.1, Communication with Employee Organizations; Debrief and Comments on Study Circles; Ways to Engage Students/Student Governance; Next Steps for Community Outreach Regarding Later Start Times

July 14, 2008 Work Sessions - Tessie Wilson and Ilryong Moon, Meeting Managers

Audit - FY 2009 Audit Plan

Update on TJHSST Admissions Process

Budget - FY 2008 Final Budget Review; FY 2010 Fiscal Forecast; Budget Direction for FY 2010

Facilities - Proposed Scope of 2008 Fall Boundary Studies; Interim Report from Bell Schedule Revision Group

Linkage - Update on Study Circles

Policy - Policy 8170, Naming School Facilities; Policy 8542, Environmental Stewardship; Policy 7325, Video Surveillance; Policy 7130, Vehicle Replacement

Governance-Preparation for retreat on July 18-19, 2008

July 18, 2008 - Joint School Board and Board of Supervisors Meeting, Dan Storck, Chairman

Discussion of the county and school system fiscal situation

July 18 and 19, 2008 - School Board Retreat, Dan Storck, Chairman

Process for developing decision-making criteria, to be used for determining criteria for boundaries; methods to address minority and special education student achievement gaps; Board communication with the community

July 23, 2008 – Instruction Work Session, Dan Storck, Chairman

Annual Reports from the Minority Student Achievement Advisory Committee, Students With Disabilities Advisory Committee, and Gifted and Talented Advisory Committee

July 24, 2008 - Forum Work Session, Dan Storck, Chairman

Budget calendar for program and operation review; Policy 4310, Authorization for Employment-Temporary Personnel

9. **BOARD MATTERS**

The Board members made brief comments.

10. **ADJOURNMENT**

The meeting was adjourned 10:20 p.m.

11. **DEBRIEF**

The Board debriefed tonight's meeting.