

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 4

September 18, 2008

1. **CLOSED MEETING**

Chairman Storck convened the Board in public session at 8:00 p.m. with a quorum of Board 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)

Mrs. Strauss moved, and Mr. Niedzielski-Eichner seconded, that the Board go into closed session 1) to discuss and consider 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 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 public body pursuant to Virginia Code Section 2.2-3711 (A)(3); and 4) to protect the privacy of individuals in personal matters not related to public business pursuant to Virginia Code Section 2.2-3711 (A)(4). 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 8:40 p.m. with a quorum of Board members present. Also present were Division Superintendent Jack D. Dale; Deputy Superintendent Richard Moniuszko; Deputy Executive Assistant and Deputy Clerk of the Board Pat Charbonneau; School Board Executive Administrative Assistant Andrea Shimer; 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. Strauss seconded, that since the Fairfax County School Board convened a closed session meeting on September 18, 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 (Exhibit B)

Chairman Storck recognized Boy Scouts in the audience working on Citizenship in the Community and Communications merit badges. Mr. Ahmadi announced that Head Start Awareness Month was October 2008.

3. PRESENTATIONS TO SCHOOL BOARD

3.01 Spotlight on Learning (Exhibit C) – Elementary Early Intervention Program Featuring Hutchison Elementary School.

Commendation to Assistant Superintendent for Instructional Services Peter Noonan and Cluster VI Assistant Superintendent Leslie Butz for the innovative redesign of the summer school program.

3.02 Citizen Participation (Exhibit D)

Ten speakers addressed the Board in the time reserved for public comment. Ms. Drake, Mr. Drake, Mr. Grasso, and Ms. Otersen addressed Agenda Item No. 4.01 Purchase and Sale Agreement for 8111 Gatehouse Road; Ms. Morin and Mr. McBride addressed Agenda Item 4.03 South County Middle School; Mr. Bakke and Ms. Dumond addressed Agenda Item No. 6.01 Football Field Lighting at Fairfax

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High School; and Ms. Jakcsy and Ms. Croll addressed Agenda Item No. 6.02 Sports Field Lighting at Marshall High School.

3.03 Student Representative Matters

Mr. Ahmadi reported that the first 2008-2009 Student Advisory Council (SAC) meeting was held today, and he would be working with the SAC and Student Government Association to develop a project for presentation to the School Board at the end of the school year.

4. ACTION ITEMS

- 4.01 Purchase and Sale Agreement and Financing for 8111 Gatehouse Road – 1)** Approve the acquisition of, and financing for, property located at 8111 Gatehouse Road, Falls Church, Virginia, for use as the second centralized administration facility (the "Facility"), and authorize the Division Superintendent or designee to negotiate, with the advice and counsel of the School Board attorney, and to execute on behalf of the School Board all documents related to the transaction, all in accordance with the parameters discussed in closed session and in a purchase amount not to exceed that stated in the PSA. The School Board hereby adopts the resolution attached hereto relating to the Financing of the Facility; 2) direct staff to continue the due diligence process with respect to the Facility until September 29, 2008. Assuming that no significant issues remain unresolved, the School Board hereby directs staff to proceed with and finalize this transaction; and 3) in the event that staff or their advisors discover any matter that would adversely affect the School Board's intended use of the Facility or the Financing, then the School Board hereby authorizes the Division Superintendent or designee, with the advice and counsel of the School Board attorney, (i) to terminate the PSA, (ii) to recover the deposit and any other sums that may be due the School Board, and (iii) to notify the County of the foregoing and to cancel the Financing. (FTS; Exhibit E)

Mrs. Wilson moved, and Mr. Niedzielski-Eichner seconded, to approve the acquisition of, and financing for, property located at 8111 Gatehouse Road, Falls Church, Virginia, for use as the second centralized administration facility (the "Facility"), and authorize the Division Superintendent or designee to negotiate, with the advice and counsel of the School Board attorney, and to execute on behalf of the School Board all documents related to the transaction, all in accordance with the parameters discussed in closed session and in a purchase amount not to exceed that stated in the PSA. The School Board hereby adopts the resolution attached hereto relating to the Financing of the Facility; 2) direct staff to continue the due diligence process with respect to the Facility until September 29, 2008. Assuming that no significant issues remain unresolved, the School Board hereby directs staff to proceed with and finalize this transaction; and 3) in the event that staff or their advisors discover any matter that would adversely affect the School Board's intended use of the Facility or the Financing, then the School Board hereby

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authorizes the Division Superintendent or designee, with the advice and counsel of the School Board attorney, (i) to terminate the PSA, (ii) to recover the deposit and any other sums that may be due the School Board, and (iii) to notify the County of the foregoing and to cancel the Financing.

Discussion and comments included: an overview provided of the business case for acquiring the building, including the associated savings resulting in additional capital for operating costs; consolidating staff in the building would make available two former school sites for renovation and reopening as elementary schools and transfer buildings to the County that would result in increased cash flow; support for the purchase had been received from the Federation of Civic Associations, the Fairfax County Chamber of Commerce, and the Fairfax County Federation of Teachers; concern that there was a perception that financing for the building came from the operating budget but instead the financing would be from Economic Development Authority (EDA) bonds that could not be used for operating costs, renovations, or employee benefits; and concurrence on the need for better and more extensive communication with the public.

The motion to approve the acquisition of, and financing for, property located at 8111 Gatehouse Road, Falls Church, Virginia, for use as the second centralized administration facility (the "Facility"), and authorize the Division Superintendent or designee to negotiate, with the advice and counsel of the School Board attorney, and to execute on behalf of the School Board all documents related to the transaction, all in accordance with the parameters discussed in closed session and in a purchase amount not to exceed that stated in the PSA. The School Board hereby adopts the resolution attached hereto relating to the Financing of the Facility; 2) direct staff to continue the due diligence process with respect to the Facility until September 29, 2008. Assuming that no significant issues remain unresolved, the School Board hereby directs staff to proceed with and finalize this transaction; and 3) in the event that staff or their advisors discover any matter that would adversely affect the School Board's intended use of the Facility or the Financing, then the School Board hereby authorizes the Division Superintendent or designee, with the advice and counsel of the School Board attorney, (i) to terminate the PSA, (ii) to recover the deposit and any other sums that may be due the School Board, and (iii) to notify the County of the foregoing and to cancel the Financing
passed 11-1: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Moon voted "nay."

- 4.02 Student Information System Replacement** – Authorize the Division Superintendent, or his designee, to execute a contract in the amount of \$10,651,117 over a five-year term for the provision of a student information system for FCPS with Edupoint Educational Systems (IT; presented as new business 9/4/08; Exhibit F)

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Mr. Center moved, and Mrs. Smith seconded, to authorize the Division Superintendent, or his designee, to execute a contract in the amount of \$10,651,117 over a five-year term for the provision of a student information system for FCPS with Edupoint Educational Systems.

Comments included: the student information system purchase was aligned with budget decisions made last year; the new system would benefit teachers by reducing time spent on administrative tasks; and the current system would no longer be supported by its vendor within two years.

Mr. Raney moved, and Mrs. Kory seconded, to postpone action on the proposed award of contract, for a student information system for FCPS with Edupoint Educational Systems, until the December 4, 2008, regular School Board meeting.

Discussion included: this purchase should be delayed until the lines of business and school programs review had been conducted, in accordance with the joint School Board/Board of Supervisors resolution passed on September 4, 2008; the new system was critical for instruction and student record keeping; the question about provisions in the contract for added requirements and the possibility of increased cost, and the response that cost overruns were not anticipated but future software development might be required for changing needs of the system, such as the planned elementary reporting card that was not currently available.

The motion to postpone action on the proposed award of contract, for a student information system for FCPS with Edupoint Educational Systems, until the December 4, 2008, regular School Board meeting **failed 2-9**: Ms. Hone and Mr. Raney voted "aye"; Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "nay"; Mrs. Kory was not present for the vote.

There was no further discussion on the main motion.

The motion to authorize the Division Superintendent, or his designee, to execute a contract in the amount of \$10,651,117 over a five-year term for the provision of a student information system for FCPS with Edupoint Educational Systems **passed 10-1**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Raney voted "nay"; Mrs. Kory was not present for the vote.

- 4.03 Award of Contract** – Award the contract for architectural and engineering services for the design of South County Middle School to Ballou Justice Upton Architects, in the amount of \$2,555,000, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; presented as new business 9/4/08; Exhibit G)

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Ms. Bradsher moved, and Ms. Hone seconded, to award the contract for architectural and engineering services for the design of South County Middle School to Ballou Justice Upton Architects, in the amount of \$2,555,000, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board.

Discussion and questions included: on January 24, 2008, the Board had approved allocating \$2 million for planning of the South County middle school and on June 19, 2008, had approved building the South County middle school with \$10 million received from the Board of Supervisors; the question about the status of the Public-Private Education Facilities and Infrastructure Act (PPEA) offering, and the response that it had been rejected by the County; the expectation that additional PPEAs were forthcoming; and the need to consider the impact on the Capital Improvement Program (CIP) to schools that were unfunded in the renovation queue.

The motion to award the contract for architectural and engineering services for the design of South County Middle School to Ballou Justice Upton Architects, in the amount of \$2,555,000, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board **passed 9-3**: Ms. Bradsher, Mr. Center, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mr. Storck, and Mrs. Strauss voted "aye"; Mr. Gibson, Mrs. Smith, and Mrs. Wilson voted "nay."

4.04 Confirmation of Action Taken in Closed Meeting

Mr. Center moved, and Mrs. Smith seconded, to expel a student for two convictions of crimes in the community against another student. The motion **passed unanimously**.

Mrs. Strauss moved, and Mr. Gibson seconded, to deny the parents' request for a student's assignment to the base school, but permit attendance in an alternative education program, on the terms recommended by the Division Superintendent. The motion **passed unanimously**.

Having served as chairman of a three-member committee along with Ms. Bradsher and Mrs. Kory, Mrs. Smith moved, and Ms. Bradsher seconded, to expel a student for participation in a gang-related assault on another student. The motion **passed unanimously**.

Mr. Gibson moved, and Ms. Hone 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 unanimously**.

Mrs. Smith moved, and Mr. Niedzielski-Eichner seconded, that the School Board approve the Division Superintendent's recommendation to dismiss a teacher from employment and revoke his teaching license, as discussed in closed meeting;

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further direct the Division Superintendent to forward the license revocation recommendation, along with the investigative file, to the State Superintendent of Public Instruction, in accordance with the Licensure Regulations for School Personnel in Virginia. The motion **passed unanimously.**

5. CONSENT AGENDA

- 5.01 **Minutes** – Approve the minutes of July 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 (SB; Exhibit I)
- 5.03 **FLECAC Appointments** – Appoint individuals to serve on the Family Life Education Curriculum Advisory Committee, as listed in the agenda item (IS; presented as new business 7/24/08; Exhibit J)
- 5.04 **Challenged Materials Interdepartmental Review Committee Appointments** – Appoint individuals to serve a one-year term on the Challenged Materials Interdepartmental Review Committee, as listed in the agenda item (IS; presented as new business 7/24/08; Exhibit K)
- 5.05 **Appointment of Agents** – Appoint Douglas Campbell and Jerome Wilhelm as Agents and William Brady as Deputy Agent of the School Board to examine, approve, and order payment of financial obligations of the Board in the absence of the agents (SB; presented as new business 9/4/08; Exhibit L)
- 5.06 **Monthly Separation Report** – Confirm the separations for the period beginning July 1, 2008, and ending July 31, 2008, and for the period beginning August 1, 2008, and ending August 31, 2008, as detailed in the agenda item (HR; Exhibit M)

Chairman Storck stated that, without objection, the six 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 football field lighting project at Fairfax 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; action scheduled 10/02/08; Exhibit N)

Comment was made that this project was funded by the City of Fairfax and would not impact the operating budget.

- 6.02 **Award of Contract** – Recommendation to award the contract for the sports field lighting project at Marshall 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; action scheduled 10/2/08; Exhibit O)

There was no discussion of this item.

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- 6.03 School Board Policies** – Recommendation to rescind Policy 4030, Opportunities for Individual Assistance, and adopt new Policy 9003, Opportunities for Individual Assistance (HR; PLT; action scheduled 10/ 2/08; Exhibit P)

There was no discussion of this item.

- 6.04 School Board Policies** – Recommendation to rescind Policy 1522, Child Care Services, and adopt new Policy 8561, Child Care Services (DCCO; FTS; action scheduled 10/2/08; Exhibit Q)

There was no discussion of this item.

- 6.05 School Board Policy** – Recommendation to adopt Policy 7130.3, Vehicle Replacement, as reviewed and discussed at the Policy work sessions (FTS; work sessions held 6/9/08 and 7/14/08; action scheduled 10/02/08; Exhibit R)

There was no discussion of this item.

- 6.06 School Board Policy** – Recommendation to adopt Policy 2611.8, Procedures for Hearings and Appeals to the School Board, as reviewed and discussed at the Policy work session (SB; work session held 9/8/08; action scheduled on 10/02/08; Exhibit S)

There was no discussion of this item.

7. **SUPERINTENDENT MATTERS**

The Superintendent presented informational items.

8. **REPORTS** (Exhibit T)

September 8, 2008, Work Sessions – Liz Bradsher and Brad Center, Meeting Managers

Budget – Identification of Budget/Program Review Criteria

Operational Expectations – Professional Learning and Training Monitoring Report

Facilities – Consultant's Report on the Renovation Queue; Transportation Task Force Bell Schedule Report, Iteration 2

Legislation – 2009 Draft Legislative Program

Policy – Policy 2611, Procedures for Hearings and Appeals to School Board

Linkage – Update on Linkage Issues

September 12, 2008 – Linkage Work Session – Brad Center, Chairman

Plans for Community Leadership Council breakfast; effectiveness of communications with the public; communications during election periods; and a liaison role with the Department of Communications and Community Outreach

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September 15, 2008 – Governance Work Session – Kathy Smith, Chairman

Process for developing the reasonable interpretations associated with the newly-revised operational expectations language for several departments; annual work calendar; October 31-November 1 School Board retreat; Board development topics

9. BOARD MATTERS

The Board members made brief comments.

10. CLOSED MEETING

10.01 Closed Meeting

Mrs. Kory moved, and Mrs. Smith seconded, that the Board go into closed meeting at 11:25 p.m. to discuss and consider the performance of specific public officers pursuant to VA Code Section 2.2-3711(A)(1). The motion **passed unanimously**.

10.02 Certification of Closed Meeting Compliance (Exhibit U)

Mr. Center moved, and Mrs. Wilson seconded, that since the Fairfax County School Board convened a closed session meeting on September 18, 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 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.

11. ADJOURNMENT

The meeting adjourned at 12:35 p.m.

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12. **DEBRIEF**
The Board did not debrief.