

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 10

December 18, 2008

1. **CLOSED MEETING**

Chairman Storck convened the Board in public session at 6:22 p.m. with a quorum of members present:

Elizabeth T. Bradsher (Springfield)
Brad Center (Lee; ABSENT)
Stuart D. Gibson (Hunter Mill)
Martina A. Hone (At Large)
Kaye Kory (Mason; arr. 6:27)
Ilryong Moon (At Large)

Phillip A. Niedzielski-Eichner (Providence; dep. 9:30)
James L. Raney (At Large)
Kathy L. Smith (Sully)
Daniel G. Storck (Mt. Vernon)
Jane K. Strauss (Dranesville)
Tessie Wilson (Braddock)

Ms. Hone moved, and Mrs. Wilson seconded, that the Board go into closed session to 1) 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); and 3) to consult with legal counsel regarding constitutional and state law issues and regarding probable litigation requiring the provision of legal advice by counsel, pursuant to Virginia Code Section 2.2-3711 (A)(7). The motion **passed 10-0**: Ms. Bradsher, 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; Mr. Center 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

Chairman Storck convened the meeting at 7:11 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 Arvin Ahmadi was present.

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Chairman Storck thanked the members of the Braddock Elementary School Choir, under the direction of Alys Cross, for their performance of the national anthem.

2.02 Certification of Closed Meeting Compliance (Exhibit A)

Mr. Moon moved, and Mr. Niedzielski-Eichner seconded, that in order to comply with Section 2.2-3712 (D) of the Code of Virginia, it is necessary for the Board to certify that since the Fairfax County School Board convened a closed meeting on December 18, 2008, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board during the closed meeting. The foregoing also shall be deemed to include the certification of each School Board member who served on a student disciplinary committee that those closed committee meetings are lawfully exempted from open meeting requirements by Section 2.2-3711(A)(2) of the Code of Virginia, and that only student disciplinary matters were heard, discussed, or considered in those closed committee meetings. The motion **passed 11-0**: Ms. Bradsher, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Center was absent.

2.03 Announcements (Exhibit B)

Mr. Ahmadi announced that January 2009 was National Mentoring Month.

3. PRESENTATIONS TO SCHOOL BOARD

3.01 Spotlight on Learning (Exhibit C) - Bailey's Elementary School for the Arts and Sciences Mural Projects

3.02 Citizen Participation (Exhibit D)

Four speakers addressed the Board in the time reserved for public comment. Erik Hawkins addressed Agenda Item No. 5.03 Award of Contract – chiller replacement at Herndon High School; Sandy Hoch and Donna Greer addressed Fairgrade; and Leonard Bumbaca addressed Agenda Item No. 4.01 School Board Policy.

3.03 Student Representative Matters

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4. ACTION ITEMS

- 4.01 School Board Policy** - Suspend Policy 4680, Salary Redlining Procedure, as described in the agenda item, for budgetary reasons effective January 1, 2009; further direct the Superintendent to suspend the redlining provisions of any implementing regulations, effective January 1, 2009; the suspension of the policy and implementing regulations shall remain in effect until further School Board action (HR; presented as new business 12/4/08; work session held 12/8/08; Exhibit E)

Mrs. Smith moved, and Mr. Gibson seconded, to suspend Policy 4680, Salary Redlining Procedure, as described in the agenda item, for budgetary reasons effective January 1, 2009; further direct the Superintendent to suspend the redlining provisions of any implementing regulations, effective January 1, 2009; the suspension of the policy and implementing regulations shall remain in effect until further School Board action.

Comments and questions included: the school system faced serious budget issues and would need to cut over \$200 million in the FY 2010 budget; suspension of Policy 4680 would save at least \$3 million; request for clarification that this policy applied to all FCPS employees, not only teachers; affirmative response.

Mr. Niedzielski-Eichner moved, and Mrs. Kory seconded, an amendment in the form of a substitute motion: to suspend Policy 4680, Salary Redlining Procedure, as described in the agenda item, for budgetary reasons for the period beginning January 1, 2009, and ending December 31, 2010; further direct the Superintendent to suspend the redlining provisions of any implementing regulations, for the period beginning January 1, 2009, and ending December 31, 2010; the School Board must approve the continued suspension of the policy and implementing regulations beyond December 31, 2010.

Comments included: the substitute motion added a time limit to ensure that the suspension of the policy did not become permanent; action needed to be taken now in order to have time to notify employees of the action taken; and concern that December 31, 2010, occurred in the middle of the fiscal year, and the suggestion to extend the time frame to June 30, 2011.

Chairman Storck asked whether there was any objection to changing the date from December 31, 2010, to June 30, 2011, and there was no objection.

The substitute motion to suspend Policy 4680, Salary Redlining Procedure, as described in the agenda item, for budgetary reasons for the period beginning January 1, 2009, and ending June 30, 2011; further direct the Superintendent to suspend the redlining provisions of any implementing regulations, for the period beginning January 1, 2009, and ending June 30, 2011; the School Board must approve the continued suspension of the policy and implementing regulations beyond June 30, 2011. The motion **passed 10-1**: Ms. Bradsher, Mr. Gibson, Ms.

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Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith, Mrs. Strauss, Mr. Storck, and Mrs. Wilson voted "aye"; Mr. Raney voted "nay"; Mr. Center was absent.

4.02 Confirmation of Action Taken in Closed Meeting

Mr. Niedzielski-Eichner moved, and Mrs. Smith seconded, to expel a student for using weapons against individuals on school grounds. The motion **passed 11-0**: Ms. Bradsher, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Center was absent.

Mrs. Strauss moved, and Mrs. Wilson seconded, to expel two students for involvement in a mob assault on school grounds which resulted in injuries. The motion **passed 11-0**: Ms. Bradsher, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Center was absent.

Having served as chairman of a three-member committee along with Ms. Bradsher and Mrs. Smith, Mrs. Strauss moved, and Ms. Bradsher seconded to expel a student for possession of weapons at school. The motion **passed unanimously**.

Having served on a three-member committee along with Mrs. Kory and Mr. Center, who was chairman, Mr. Raney moved, and Mrs. Kory seconded, to expel four students – one for violation of probationary conditions of a school assignment, one for possession and use of a weapon against others at school, one for involvement in an assault on other students, and one for participation in a mob assault on school property. The motion **passed unanimously**.

[Clerk's note: Although Mr. Center was absent for the public vote, he voted affirmatively when the three-member committee rendered their decision.]

Having served as chairman of a three-member committee along with Mr. Gibson and Mr. Storck, Mrs. Wilson moved, and Mr. Gibson seconded, to expel two students – one for possession and distribution of illegal drugs at school and one for possession of a weapon and illegal drugs on school property. The motion **passed unanimously**.

Mr. Niedzielski-Eichner moved, and Mrs. Wilson seconded, to excuse from attendance at school a certain student indentified in closed meeting pursuant to Virginia Code Section 22.1-254(B)(1). The motion **passed 11-0**: Ms. Bradsher, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Center was absent.

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Ms. Hone moved, and Ms. Bradsher seconded, to authorize counsel to enter into a tolling agreement on behalf of the School Board. The motion **passed 11-0**: Ms. Bradsher, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Center was absent.

5. CONSENT AGENDA

- 5.01 **Minutes** - Approve the minutes of December 4, 2008, regular School Board meeting and December 8, 2008, Operational Expectations work session (SB; Exhibit F)
- 5.02 **Monthly Separation Report** - Confirm the separations for the period beginning November 1, 2008, and ending November 30, 2008, as detailed in the agenda item (HR; Exhibit G)
- 5.03 **Award of Contract** - Award the contract for the chiller replacement at Herndon High School to Edw. Kocharian & Co., Inc., in the amount of \$397,000, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; presented as new business 12/4/08; Exhibit H)
- 5.04 **Additional Appointments** - Appoint individuals to serve on committees as listed in the agenda item (SB; Exhibit I)

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

[Clerk's note: Although Chairman Storck did not read Agenda Item 5.04 Additional Appointments into the written record, it was listed on the agenda and should be considered approved as part of the consent agenda.]

6. NEW BUSINESS

- 6.01 **Proposed FY 2010-2014 Capital Improvement Program** - Recommendation to approve the FY 2010-2014 Capital Improvement Program as described in the narrative and in the Superintendent's Proposed FY 2010-2014 Capital Improvement Program Summary (FTS; public hearings scheduled 1/6/09 and 1/7/09; work session scheduled 1/12/09; action scheduled 1/22/09; Exhibit J)

After a PowerPoint presentation by Chief Operating Office Dean Tistadt, comments and questions included the following, with the request that the information be provided at the January 12, 2009, work session: the additional cost to borrow money to build South County Middle School now and pay for it later; using the same format as the CIP Cash Flow Impact Analysis, provide cash flows for all capital projects, assuming the Board decided to build a \$10 million addition to South County Secondary School, instead of a new middle school; the long-term plan to address under-enrollment at Terraset Elementary School; whether the recent fire in the HVAC system at Fairhill Elementary School had been related to the lack of preventive

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maintenance; cost of building a new Thomas Jefferson High School for Science and Technology versus renovation.

- 6.02 Award of Contract** - Recommendation to award the contract for providing IRS Section 457(b) Plan Administrator services for FCPS employees to Great West Retirement Services effective April 1, 2009, and through the duration of the three (3) year contract, as recommended by the Office of Benefit Services and the Selection Advisory Committee (HR; action scheduled 1/8/09; Exhibit K)

There was no discussion of the item.

- 6.03 EHS/FECEP/Head Start Policy Committee Appointments** - Recommendation to confirm the elected members of the Fairfax County Public Schools Early Head Start (EHS)/Family and Early Childhood Education Program (FECEP)/Head Start (HS) Policy Committee, as listed in the agenda item (IS; action scheduled 1/8/09; Exhibit L)

There was no discussion of the item.

- 6.04 Title I District Advisory Council Appointments** - Recommendation to approve the membership of the Title I District Advisory Council, as listed in the agenda item (IS; action scheduled 1/8/09; Exhibit M)

There was no discussion of the item.

- 6.05 School Board Policy** - Recommendation to adopt Policy 1530.1, Volunteers, as reviewed and discussed at the Policy work session (HR; work session held 12/8/08; action scheduled 1/8/09; Exhibit N)

There was no discussion of the item.

- 6.06 School Board Policy** - Recommendation to adopt Policy 7510.3, Equipment Ownership and Use, as reviewed and discussed at the Policy work session (FS; work session held 12/8/08; action scheduled 1/8/09; Exhibit O)

There was no discussion of the item.

- 6.07 School Board Policy** - Recommendation to adopt Policy 1710.11, Citizen Advisory Committees to the School Board, as reviewed and discussed at the Governance work session (SB; work session held 12/8/08; action scheduled 1/8/09; Exhibit P)

There was no discussion of the item.

7. SUPERINTENDENT MATTERS

The Superintendent presented informational items.

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8. **REPORTS** (Exhibit Q)

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Audit Work Session - Tessie Wilson, Chairman - South Lakes High School Procurement Card Audit Draft Report; Jefferson Overseas Technology Institute Grant Audit Draft Report; Hotline Update

Forum Work Session - Dan Storck, Chairman – Fairfax Cares; Possible change to annual organizational meeting process

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Governance Committee - Kathy Smith, Chairman - Revised Indicators for Professional Learning and Training; Reasonable Interpretation and Indicators for Facilities and Transportation Services; Discussion with Aspen Group; Fairfax Cares; Public Input Process; Redesign of Strategic Governance web pages; Policy 1710, Advisory Committees to the School Board

December 8, 2008 - Janie Strauss and Stu Gibson, Meeting Managers **Human Resources** - Working Condition Survey Executive Briefing

Facilities - Tysons Task Force Presentation; Comprehensive Plan Area Task Force

Operational Expectations - Revised Operational Expectations and Indicators for Community Relations

Policy - Policy 4680, Salary Redlining Procedure; Policy 1530, Volunteers; Policy 7510, Equipment Ownership & Use; Policy 1100, Legal Authority

Governance - Kathy Smith, Chairman - Change to the Annual Organizational Meeting Process; Suggested Revisions to Policy 1710, Citizen Advisory Committees to the School Board; Proposed Changes to Strategic Governance Manual; Recommendation from Adult and Community Education Advisory Committee on Student Achievement Goals

Legislative Update – Kaye Kory, Liaison - House Appropriations and Senate Finance Committees regional public hearing on the Governor's proposed 2008-2010 biennial state budget would be held on Thursday, January 8, 2009, at Northern Virginia Community College, Rachel M. Schlesinger Concert Hall.

9. **BOARD MATTERS**

The Board Members made brief comments.

10. **ADJOURNMENT**

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The meeting was adjourned at 10 p.m.

11. DEBRIEF

The Board debriefed tonight's meeting.