

## MINUTES

### Fairfax County School Board

### Luther Jackson Middle School

Regular Meeting No. 13

February 5, 2009

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

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

Elizabeth T. Bradsher (Springfield)	Phillip A. Niedzielski-Eichner (Providence)
Brad Center (Lee; ABSENT)	James L. Raney (At Large)
Stuart D. Gibson (Hunter Mill)	Kathy L. Smith (Sully)
Martina A. Hone (At Large; ABSENT)	Daniel G. Storck (Mt. Vernon)
Kaye Kory (Mason; arr. 6:20)	Jane K. Strauss (Dranesville)
Ilryong Moon (At Large; dep. 6:45, arr. 8:50)	Tessie Wilson (Braddock)

Mr. Niedzielski-Eichner moved, and Mr. Raney seconded, that the Board go into closed session 1) to discuss and consider the salaries 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); and 3) to discuss and consider the acquisition of real property, 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). The motion **passed 9-0**: Ms. Bradsher, Mr. Gibson, 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 and Ms. Hone were 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 7:05 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

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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 absent.

The School Board Members led the audience in the singing of the National Anthem.

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

Mrs. Strauss moved, and Mr. Gibson 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 February 5, 2009, 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 8-0**: Ms. Bradsher, Mr. Gibson, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory and Mr. Moon were not present for the vote; Mr. Center and Ms. Hone were absent.

### **2.03 Announcements (Exhibit B)**

Dr. Dale announced that February was School Board Appreciation Month; that Mr. Gibson, as VSBA President, had attended a news conference in Richmond today with Governor Kaine and had been presented with the pen which the governor used to sign the proclamation declaring February as School Board Member Appreciation Month. Dr. Dale introduced selected students who presented each Board member with a certificate of appreciation, and photographs were taken.

### **2.04 Recognition of National Career & Technical Education Month (Exhibit C)**

Mr. Raney recognized National Career & Technical Education Month, and invited staff members in the audience to join the Board for photographs.

### **2.05 Recognition of National School Counseling Week (Exhibit D)**

Mr. Storck recognized National School Counseling Week, and invited counselors in the audience to join the Board for photographs.

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### 3. **PRESENTATIONS TO SCHOOL BOARD**

**3.01 Spotlight on Learning** - Opportunities Available Through Career and Technical Education (Exhibit E)

**3.02 Citizen Participation** (Exhibit F)

No speakers addressed the Board in the time reserved for public comment.

**3.03 Student Representative Matters**

There were no student matters.

### 4. **ACTION ITEMS**

**4.01 Goal 3. Responsibility to the Community** – Accept the monitoring report on the current progress toward attaining Student Achievement Goal 3. Responsibility to the Community (S; presented as new business 1/22/09; Exhibit G)

Mrs. Smith moved, and Mrs. Wilson seconded, that the School Board accept the monitoring report on the current progress toward attaining Student Achievement Goal 3. Responsibility to the Community.

Mrs. Smith acknowledged the excellent progress that staff had made with the Goal 3 monitoring report.

The motion that the School Board accept the monitoring report on the current progress toward attaining Student Achievement Goal 3. Responsibility to the Community **passed 9-0**: Ms. Bradsher, Mr. Gibson, Mrs. Kory, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were absent.

**4.02 FY 2010 Advertised Budget** – Adopt the FY 2010 Advertised Budget, as detailed in the agenda item (FS; presented as new business 1/8/09; public hearings held 1/21/09 and 1/28/09; work sessions held 1/12/09, 1/29/09, and 2/4/09; Exhibit H)

Mr. Niedzielski-Eichner moved, and Mrs. Kory seconded, that the School Board adopt the FY 2010 Advertised Budget, as detailed in the agenda item.

Comments included the following: the School Board had spent the past six months conducting a comprehensive review of all programs in Fairfax County Public Schools (FCPS) and gathering public input and opinion at numerous joint School Board and Board of Supervisors community budget meetings; the

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Superintendent's proposed budget had recommended redesigning and eliminating specific programs and freezing salaries for all employees; there was much uncertainty about resources from many levels—federal, state, and county—as the current worsening economic situation across the country continued; the projected reduction in state revenue and increased enrollment growth of an additional 5,000 students added to the uncertainty of the available resources; it was important for the community to continue to participate and support FCPS throughout the budget process; the Board of Supervisors would hold public hearings March 30 and 31 and April 1, and by the end of April would decide on the transfer amount to FCPS; the School Board would then hold public hearings and work sessions before making a final decision on the FY 2010 approved budget on May 21; this budget would affect every student and every classroom, and the situation could deteriorate even further by May; one unique outcome of the extensive program review had been an opportunity to achieve program efficiencies by redesign, and the staffing formula would ensure that resources were directed to those schools with the neediest students; appreciation expressed to Mr. Niedzielski-Eichner, as Budget Liaison, for his efforts in ensuring that the Board worked collaboratively to accomplish this difficult task.

The motion that the School Board adopt the FY 2010 Advertised Budget, as detailed in the agenda item, **passed 9-0**: Ms. Bradsher, Mr. Gibson, Mrs. Kory, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were absent.

Mr. Niedzielski-Eichner moved, and Mrs. Strauss seconded, that the Superintendent be directed to complete an updated transfer request from the County in time for the Chairman's formal presentation of the School Board's request to the Board of Supervisors; and further move that the updated request be based on 1) the spring's final enrollment estimates for FY 2010; 2) federal stimulus contributions that may be known definitely by that time; and 3) state revenues that may be known by that time. I further move that the Superintendent be directed to complete the redesign of the Adult and Community Education, Excel, Focus, CETA, and college readiness programs for review at the April 30, 2009, budget work session for consideration prior to final budget approval on May 21, 2009.

Discussion continued: it was important to have an update on enrollment projections and revenue projections from the federal and state government prior to the budget presentation to the Board of Supervisors; FCPS staff members had requested that county staff members conduct an evaluation of the enrollment projection methodology used by FCPS to validate the projections; the Board needed to consider the impact of the redesigned programs prior to the final budget approval in May; the Board of Supervisors would decide on an advertised tax rate, as part of their budget deliberations, by early March.

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The motion that the Superintendent be directed to complete an updated transfer request from the County in time for the Chairman's formal presentation of the School Board's request to the Board of Supervisors; and further move that the updated request be based on 1) the spring's final enrollment estimates for FY 2010; 2) federal stimulus contributions that may be known definitely by that time; and 3) state revenues that may be known by that time. I further move that the Superintendent be directed to complete the redesign of the Adult and Community Education, Excel, Focus, CETA, and college readiness programs for review at the April 30, 2009, budget work session for consideration prior to final budget approval on May 21, 2009, **passed 9-0**: Ms. Bradsher, Mr. Gibson, Mrs. Kory, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were absent.

Mr. Niedzielski-Eichner moved, and Mrs. Strauss seconded, that the Division Superintendent is granted authority to make necessary minor changes to comply with the intent of the school board and is further directed to prepare fund statements reflecting all School Board approved changes, together with the estimate of funds required by Fairfax County Public Schools during FY 2010 in the format prescribed in section 22.1-92 of the Code Of Virginia, for submission to the County Board of Supervisors. Submission of these approved documents to the County Board of Supervisors fulfills the responsibilities of the School Board under Title 22, Chapter 8 (section 22.1-92) of the Code of Virginia.

The motion **passed 9-0**: Ms. Bradsher, Mr. Gibson, Mrs. Kory, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were absent.

*[Clerk's note: Although Mr. Moon was not present for the vote on the FY 2010 Advertised Budget, during Board matters he voiced his support for the budget, and agreed that the proposed cuts would impact everyone because of the fiscal reality the Board was facing.]*

### 4.03 Confirmation of Action Taken in Closed Meeting

Mrs. Smith moved, and Mr. Gibson seconded, to expel a student for sexual assault of another student at school. The motion **passed 8-0-1**: Ms. Bradsher, Mr. Gibson, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory abstained; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were absent.

Mr. Niedzielski-Eichner moved, and Mrs. Wilson seconded, to expel a student for conviction of certain crimes in the community. The motion **passed 8-0-1**: Ms. Bradsher, Mr. Gibson, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr.

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Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory abstained; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were absent.

Mr. Gibson moved, and Mr. Raney seconded, to expel a student for violation of probationary conditions of a school assignment. The motion **passed 8-0-1**: Ms. Bradsher, Mr. Gibson, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory abstained; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were absent.

Mrs. Smith moved, and Mr. Niedzielski-Eichner seconded, to deny the suspension appeals of two students who violated school rules, and to confirm, in each case, the disciplinary decision of the division superintendent. The motion **passed 8-0-1**: Ms. Bradsher, Mr. Gibson, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory abstained; Mr. Moon was not present for the vote; Mr. Center and Ms. Hone were 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 two students – one for possession of illegal drugs with intent to distribute at school and one for violation of probationary conditions of a school assignment. The motion **passed unanimously**.

Having served as chairman of a three-member committee, along with Mr. Storck and Mrs. Kory, Mr. Niedzielski-Eichner moved, and Mr. Storck seconded, to expel a student for possession of illegal drugs with intent to distribute at school. The motion **passed unanimously**.

### 5. CONSENT AGENDA

- 5.01 **Minutes** – Approve the minutes of January 12, 2009, Operational Expectations work session and January 22, 2009, regular School Board meeting (SB; Exhibit I)
- 5.02 **Easement** - (i) Approve the conveyance of the electrical utility easement to NOVEC, and (ii) authorize the Chief Operating Officer of Facilities and Transportation Services to execute on behalf of the School Board the Deed and any related documents as approved by School Board counsel to accomplish the conveyance (FTS; presented as new business 1/22/09; Exhibit J)
- 5.03 **School Board Policy** – Adopt Policy 1375, Charity Drives, as reviewed and discussed at the Policy work session (S; work session held 1/12/09; presented as new business 1/22/09; Exhibit K)
- 5.04 **School Board Policy** – Adopt Policy 3202.2, New Course Proposals and Deletion and Consolidation of Existing Courses, as reviewed and discussed at the Policy work session (IS; work session held 1/12/09; presented as new business 1/22/09; Exhibit L)

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- 5.05 School Board Policy** – Adopt Policy 2110.2, Student Safety, as reviewed and discussed at the Policy work session (SS; work session held 1/12/09; presented as new business 1/22/09; Exhibit M)
- 5.06 School Board Policy** – Adopt Policy 8258.1, Building Evaluation, Renovation, Infrastructure Maintenance, as reviewed and discussed at the Policy work session (FTS; work session held 1/12/09; presented as new business 1/22/09; Exhibit N)
- 5.07 Appointments to the Joint BOS/SB Smart Services Committee** - Appoint School Board members Brad Center, Dan Storck, and Janie Strauss to the newly-established joint Board of Supervisors/School Board Smart Services Committee, which will begin meeting by the end of January 2009 and will report back to a joint meeting of the Boards on opportunities and next steps for any immediate and long-term actions to better align governmental responsibilities and resources (SB; presented as new business 1/22/09; Exhibit O)
- 5.08 Additional Appointments** - Appoint individuals to serve on committees as listed in the agenda item (SB; Exhibit P)

Chairman Storck stated that, without objection, the eight 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 athletic field lighting project at Herndon Middle 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 2/19/09; Exhibit Q)

There was no discussion of this item.

### 7. **SUPERINTENDENT MATTERS**

The Superintendent presented informational items.

### 8. **REPORTS**

**January 29, 2009** (Exhibit R)

**Linkage** – Liz Bradsher - CLC -Debrief from January 16 CLC meeting and suggestions/recommendations for Restructuring CLC; Update and Review of Linkage Activities for Later Start Times; Additional Public Hearings/Community Outreach for Budget Deliberations

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**Budget** - Phil Niedzielski-Eichner, Budget Liaison

### **February 4, 2009**

**Operational Expectations** - Kathy Smith, Chairman - Information Technology Monitoring Report

**Budget** - Phil Niedzielski-Eichner, Budget Liaison

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**Forum** – Tessie Wilson - Reviewed the schedule for annual dinner meeting with the FCSB; National School Boards Association annual conference attendees; procedure for public hearing speakers lists and how long the list remained open when one hearing was spread over two nights.

Mrs. Kory provided a state legislative update and thanked the Northern Virginia legislators for their efforts to hold K-12 education harmless in the pending stimulus package.

Mr. Gibson provided a federal legislative update on the pending stimulus package.

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

The Board Members made brief comments.

#### **10. ADJOURNMENT**

The meeting was adjourned at 9 p.m.

#### **11. DEBRIEF**

The Board debriefed tonight's meeting.