

# MINUTES

## Fairfax County School Board

### Luther Jackson Middle School

Regular Meeting No. 19

May 7, 2009

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

Mr. Center moved, and Mrs. Strauss seconded, that the Board go into closed meeting to discuss and consider 1) disciplinary matters concerning students pursuant to Virginia Code Section 2.2-3711 (A)(2); and 2) the salary reduction, reassignment, and layoff of particular employees through a budget-related reduction-in-force pursuant to Virginia Code Section 2.2-3711 (A)(1). The motion **passed 7-0**: Mr. Center, Mrs. Kory, Mr. Moon, Mr. Raney, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Ms. Bradsher, Mr. Gibson, Ms. Hone, Mr. Niedzielski-Eichner, and Mrs. Smith were not present for the vote.

Chairman Storck convened the closed meeting at 6:45 p.m.

#### 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 public meeting at 7:10 p.m. with the following members present:

Elizabeth T. Bradsher (Springfield)	Phillip A. Niedzielski-Eichner (Providence; arr. 6:55p.m.)
Brad Center (Lee)	James L. Raney (At Large)
Stuart D. Gibson (Hunter Mill; arr. 6:55 p.m.)	Kathy L. Smith (Sully)
Martina A. Hone (At Large; arr. 8:07 p.m.)	Daniel G. Storck (Mt. Vernon)
Kaye Kory (Mason)	Jane K. Strauss (Dranesville)
Ilryong Moon (At Large)	Tessie Wilson (Braddock)

Also present were Division Superintendent Jack D. Dale; Deputy Superintendent Richard Moniuszko; Executive Assistant and Clerk of the Board Pamela Goddard; Deputy Executive Assistant Pat Charbonneau; and certain other

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members of staff. Student Representative to the School Board Arvin Ahmadi was present.

Chairman Storck thanked the members of the Sandburg Middle School Jazz Band under the direction of Joe LaBrie, for their performance of the national anthem.

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

Mr. Niedzielski-Eichner moved, and Mr. Center 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 May 7, 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 10-0-1: Ms. Bradsher, Mr. Center, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Gibson abstained; and Ms. Hone was not present for the vote.

### **2.03 Announcements**

Chairman Storck announced Ms. Hone would be arriving late due to another commitment.

### **2.04 Recognition of Bill Lecos (Exhibit B)**

Mrs. Wilson recognized Bill Lecos, former President and CEO of the Fairfax County Chamber of Commerce, thanking him for his many years of support to Fairfax County Public Schools and his willingness to take on the responsibility for the school system's Bond Committee. She invited him forward for presentation of a plaque on behalf of the entire Board and photographs with Board members.

### **2.05 Recognition of Child Nutrition Employee Recognition Week (Exhibit C)**

Student Representative Arvin Ahmadi recognized Child Nutrition Employee Week, May 4-8, 2009, and invited child nutrition employees in the audience to come forward for a photograph with Board members.

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### **2.06 Recognition of Better Hearing and Speech Month (Exhibit D)**

Mr. Raney recognized May as Better Hearing and Speech Month and invited hearing and speech clinicians in the audience to come forward for a photograph with Board members.

### **2.07 Principal of the Year Recognition (Exhibit E)**

Chairman Storck introduced the Longfellow Middle School choral group, under the direction of Molly Khatcheressian, thanked them for their performance at the Principal of the Year reception prior to the start of the regular meeting, and invited them to perform one more song.

Chairman Storck stated that it was an honor to pay tribute to the achievements and contributions of the outstanding principals, and he thanked them on behalf of the Board for their dedication to the students of Fairfax County. Dr. Dale thanked the Fairfax Education Foundation for its support, and Foundation CEO James Rosebush made brief remarks. As members of the Leadership Team recognized the nominees and finalists for the Nancy F. Sprague Outstanding First Year Principal and the Fairfax County Public Schools 2009 Principal of the Year, photographs were taken with Board members, family and friends.

The Nancy F. Sprague Leadership Award recognizing the Outstanding First Year Principal was presented to Longfellow Middle School principal Carole Kihm. Mr. North introduced the FCPS 2009 Principal of the Year Deirdre Lavery, from Glasgow Middle School.

Mrs. Kory read the resolution of commendation for Ms. Lavery.

Mrs. Kory moved, and Mr. Moon seconded, to adopt the Resolution of Commendation for Mrs. Lavery. The motion **passed unanimously.**

Mrs. Lavery accepted the commendation, expressed her appreciation, and made brief remarks.

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

### **3.01 Spotlight on Learning – Career and Technical Education (CTE) Student Organizations (Exhibit F)**

### **3.02 Citizen Participation (Exhibit G)**

Ten speakers addressed the Board in the time reserved for public comment. Megan McLaughlin, Robert Downs, John LaBelle, Leigh Renfrow, Christopher Roman, and Deepak Hathiramani addressed Agenda Item No. 4.01 Grading

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Scale; Edward Lanzone, Frank Bensinger, Vicki Kagan, and Gail Kinsey addressed Agenda Item No. 4.02 403(b) Deferred Compensation Plan.

Dr. Dale clarified two issues: that at its January 22, 2009, regular meeting, the School Board had approved weighting Advanced Placement, International Baccalaureate, dual enrollment and honors courses; courses without an honors designation but that contained comparable rigor were being reviewed for possible weighting, to be implemented in September 2009; the intent was that weighting would be retroactive; the action on the 403(b) plan was a result of a more rigorous process the Federal Government was now requiring of employers and the expiration of the current five-year contracts; FCPS current and retired employees would not be required to change vendors for any investments made prior to January 1, 2010; any 403(b) payroll deductions made January 1, 2010, and thereafter must be made with one of the three recommended vendors.

### 3.03 Student Representative Matters

There were no student matters.

## 4. ACTION ITEMS

- 4.01 Grading Scale** - Accept the Superintendent's recommendation to use a variation of the College Board grading scale, as detailed in the agenda item (IS; work session held 4/20/09; presented as new business 4/23/09)

Mrs. Strauss moved, and Mr. Moon seconded, to accept the Superintendent's recommendation to use a variation of the College Board grading scale, as detailed in the agenda item.

*[Clerk's note: The Superintendent's recommended scale is as follows: 93-100 = A = 4.0; 90-92 = A- = 3.7; 87-89 = B+ = 3.3; 83-86 = B = 3.0; 80-82 = B- = 2.7; 77-79 = C+ = 2.3; 73-76 = C = 2.0; 70-72 = C- = 1.7; 67-69 = D+ = 1.3; 64-66 = D = 1.0; below 64 = F = 0.]*

Comments included: the ten-point grading scale was more commonly used by many other school systems throughout the country; the Superintendent's recommended grading scale was a ten-point scale with pluses and minuses; and the School Board had worked with staff and parents to develop this recommended scale.

Mr. Raney moved, and Ms. Bradsher seconded, an amendment in the form of a substitute motion: 1) to defer consideration of the Superintendent's recommended grading scale until the June 11, 2009, Board meeting; and 2) to direct the Superintendent to present at the June 8, 2009, work session (a) a

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proposed change management plan to include mandatory teacher training on the new grading standards and (b) a comparison of pros and cons of his recommended grading scale versus the following alternative nine-point grading scale: 98-100 = A+ = 4.67; 95-97 = A = 4.33; 92-94 = A- = 4.00; 89-91 = B+ = 3.67; 86-88 = B = 3.33; 83-85 = B- = 3.00; 80-82 = C+ = 2.67; 77-79 = C = 2.33; 74-76 = C- = 2.00; 71-73 = D+ = 1.67; 68-70 = D = 1.33; 65-67 = D- = 1.00; Below 65 = F = 0.00.

Comments and discussion included: a change management plan was needed for an organizational change of this magnitude to provide the required planning, management, and time for teacher training; a nine-point scale provided an equal-interval scale of three points for each grading designation, increasing measurement accuracy over the College Board ten-point scale; adequate time had already been allotted for review and decision making; and the proposed alternative plan was not comparable to other school districts, nor was it a ten-point scale, which the Board had directed the Superintendent to develop by its vote on January 22, 2009.

The motion to an amendment in the form of a substitute motion: 1) to defer consideration of the Superintendent's recommended grading scale until the June 11, 2009, Board meeting; and 2) to direct the Superintendent to present at the June 8, 2009, work session (a) a proposed change management plan to include mandatory teacher training on the new grading standards and (b) a comparison of pros and cons of his recommended grading scale versus the following alternative nine-point grading scale: 98-100 = A+ = 4.67; 95-97 = A = 4.33; 92-94 = A- = 4.00; 89-91 = B+ = 3.67; 86-88 = B = 3.33; 83-85 = B- = 3.00; 80-82 = C+ = 2.67; 77-79 = C = 2.33; 74-76 = C- = 2.00; 71-73 = D+ = 1.67; 68-70 = D = 1.33; 65-67 = D- = 1.00; Below 65 = F = 0.00 **failed 1-11**: Mr. Raney voted "aye"; Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "nay."

Further comment on the main motion included: concern that the recommended grading scale could result in unrealistic expectations by parents and students and result in possible grade inflation.

The motion to accept the Superintendent's recommendation to use a variation of the College Board grading scale, as detailed in the agenda item **passed 11-1**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith, Mr. Storck, Mr. Strauss, and Mrs. Wilson voted "aye"; Mr. Raney voted "nay."

- 4.02 Award of Contract** - Approve the contract awards for providing IRS Section 403(b) Plan deferred compensation services for FCPS employees to Great West Retirement Services, TIAA-CREF and VALIC effective September 1, 2009, and through the duration of the three (3) year contract as recommended by the Office

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of Benefit Services and endorsed by the Selection Advisory Committee (SAC) (HR; presented as new business 4/23/09; Exhibit I)

Mrs. Wilson moved, and Mr. Gibson seconded, to approve the contract awards for providing IRS Section 403(b) Plan deferred compensation services for FCPS employees to Great West Retirement Services, TIAA-CREF and VALIC effective September 1, 2009, and through the duration of the three (3) year contract as recommended by the Office of Benefit Services and endorsed by the Selection Advisory Committee (SAC).

Assistant Superintendent for Human Resources Kevin North narrated a PowerPoint presentation, and discussion, comments, and questions included the following: the list of criteria used to evaluate vendors that submitted contract proposals was extensive; contracts with the proposed three vendors would save each investor approximately \$900 a year in service fees; the FCPS budgeted cost of approximately \$200,000 to administer the 403(b) plan would increase if the number of vendors was increased; the Selection Advisory Committee (SAC) was comprised of six members, with two retired teachers from the School Employees' Benefit Advisory Council (SEBAC), three human resources staff members, and one financial services staff member, and had unanimously recommended that contracts be awarded to the three vendors listed; a question about the criteria of a \$3 billion threshold and the response that a company of that size was needed to support the \$45 million level of contributions from FCPS employees; a question whether the \$3 billion threshold eliminated many of the vendors and the response that only one of 11 did not qualify; a question whether current or retired employees would be required to change trusted financial advisors or vendors, and the response that investments made prior to January 1, 2010, would remain with the current vendor and any payroll deductions made January 1, 2010, and thereafter must be made with one of the three recommended vendors; the level of customer service needed to be monitored; a question whether additional vendors could be added at this point and the response that doing so would violate the procurement process; a question whether, since the current contracts had been extended to December 31, 2009, those current contracts could be extended further, and the response that the extension was made to coincide with the calendar or tax year; a question about the proposed contract with VALIC and its relationship with its parent company, AIG, and the response that VALIC was in the process of separating from AIG and that AIG could not access VALIC's assets; concern expressed about the timing of communication on the proposed contracts, the level of misinformation that employees and retirees had received from outside sources, and inappropriate contacts made to School Board members by a vendor; and Mr. Raney made a statement of disclosure that he had purchased shares from one of the recommended vendors and one of the vendors that did not submit a proposal prior to his election to the School Board.

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The motion to approve the contract awards for providing IRS Section 403(b) Plan deferred compensation services for FCPS employees to Great West Retirement Services, TIAA-CREF and VALIC effective September 1, 2009, and through the duration of the three (3) year contract as recommended by the Office of Benefit Services and endorsed by the Selection Advisory Committee (SAC) **passed 8-4:** Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voted “aye”; Ms. Hone, Mrs. Kory, Mr. Moon, and Mr. Storck voted “nay.”

### 4.03 Confirmation of Action Taken in Closed Meeting

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

Mrs. Strauss moved, and Mr. Raney seconded, to expel a student for participating in a mob assault and promoting gang activity at school. The motion **passed 11-0:** Ms. Bradsher, Mr. Center, Mr. Gibson, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted “aye”; Ms. Hone was not present for the vote.

Mrs. Strauss moved, and Mrs. Wilson seconded, to deny the suspension appeal of a student who violated school rules, and to confirm the disciplinary decision of the Division Superintendent. The motion **passed 11-0:** Ms. Bradsher, Mr. Center, Mr. Gibson, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted “aye”; Ms. Hone was not present for the vote.

Having served as chairman of a three-member committee, along with Mrs. Strauss and Mrs. Wilson, Mr. Gibson moved, and Mrs. Strauss seconded, to expel four students—two for involvement in mob assaults, one for possession of illegal drugs at school, and one for possession and distribution of illegal drugs at school. The motion **passed unanimously.**

Mr. Center moved, and Mrs. Smith seconded, that the personnel identified in closed meeting be notified that they will be subject to a reduction in force action, and that certain instructional personnel who were discussed in closed meeting be notified that their contract length will be reduced. The motion **passed 11-0:** Ms. Bradsher, Mr. Center, Ms. Hone, Mrs. Kory, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted “aye”; Mr. Gibson was not present for the vote.

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### 5. CONSENT AGENDA

- 5.01 **Minutes** - Approve the minutes of April 20, 2009, Operational Expectations work session and April 23, 2009, regular School Board meeting (SB; Exhibit J)
- 5.02 **CTEMS** - Approve the CTEMS Annual Plan and 2009-2010 Application for Career and Technical Education Funds, as detailed in the agenda item (IS; presented as new business 4/23/09; Exhibit K)
- 5.03 **Textbook Adoption Committee** - Appoint individuals to serve on the Social Studies Textbook Adoption Committee as listed in the agenda item (IS; presented as new business 1/22/09; Exhibit L)
- 5.04 **Annual Special Education Report** - Approve the 2009-2010 annual special education plan, Part B funding application and Section 619 Preschool Grant Application, as detailed in the agenda item (SS; presented as new business 4/23/09; Exhibit M)
- 5.05 **Award of Contract** - Award the contract for the synthetic running track replacement at West Springfield High School to American Tennis Courts, Inc., in the amount of \$359,470, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; presented as new business 4/23/09; Exhibit N)
- 5.06 **Easements** – 1) Approve the conveyance of the storm drainage easements to the Board of Supervisors, and 2) authorize the Chief Operating Officer of Facilities and Transportation Services to execute, on behalf of the School Board, the Deeds and any related documents as approved by School Board counsel to accomplish the conveyances (FTS; presented as new business 4/23/09; Exhibit O)
- 5.07 **Award of Contract** – Negotiate civil engineering services for the Lacey Center site with the top-ranked engineering firms and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; presented as new business 04/23/09; Exhibit P)
- 5.08 **Award of Contract** – Award the contract for the athletic field lighting project at Oakton High School to R.E. Lee Electric Company, Inc., in the amount of \$299,400, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; presented as new business 4/23/09; Exhibit Q)
- 5.09 **Revisions to Strategic Governance Manual** - Approve the proposed revisions to the Strategic Governance Manual in Section 2, Operational Expectations, Section 4, Policy Development and Review, and Board Committees, and Section 5, Meetings, as detailed in the agenda item (SB; presented as new business 4/23/09; Exhibit R)

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

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### 6. NEW BUSINESS

- 6.01 FY 2010 Approved Budget** - Adopt Fairfax County Public Schools' FY 2010 Approved Budget as detailed in the agenda item (FS; work sessions held 04/30/09, 05/14/09; public hearings scheduled 05/12/09 and 05/13/09; action scheduled 05/21/09; Exhibit S)

Dr. Dale stated that he would defer the budget presentation to the May 11, 2009, work session. A discussion was held about the timing and publication of amendments to be proposed by Board members.

- 6.02 Student Responsibilities and Rights** - Recommendation to approve Regulation 2601.23P, Student Responsibilities and Rights (SS; work session held 4/20/09; action scheduled 5/21/09; Exhibit T)

There was no discussion of this item.

- 6.03 Waiver of Verified Credits (SOL)** – Recommendation to approve requests for waiver of verified credit requirements for six students identified to School Board members (IS; action scheduled 5/21/09; Exhibit U)

There was no discussion of this item.

- 6.04 Award of Contract** - Recommendation to award the contract for the relocation of 10 classroom modular buildings at Riverside Elementary 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 5/21/09; Exhibit V)

There was no discussion of this item.

- 6.05 Award of Contract** – Recommendation to award the contract for the replacement of the automatic temperature control system at Louise Archer Elementary 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 5/21/09; Exhibit W)

There was no discussion of this item.

- 6.06 Award of Contract** – Recommendation to award the contract for the installation of a synthetic turf field at Lee High School to General Sports Venue/Astroturf and authorize the Division Superintendent or his designee to execute the contract on behalf of the School Board (FTS; action scheduled 5/21/09; Exhibit X)

There was no discussion of this item.

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**6.07 School Board Policy** – Recommendation to adopt Policy 3510.4, Adult Education–Adult Literacy, Adult High School Completion, and Community Education (SB; action scheduled 5/21/09; Exhibit Y)

There was no discussion of this item.

### 7. **SUPERINTENDENT MATTERS**

The Superintendent presented informational items.

### 8. **REPORTS** (Exhibit Z)

#### **April 27, 2009 - Governance Committee - Kathy Smith, Chairman**

July 2009 School Board retreat to include advanced academic programs discussion and a Board self-evaluation; Budget and Financial Management and Community Relations Operation Expectations; agenda item cover sheet; Governance Committee 2009-2010 meeting dates.

#### **April 30, 2009 - Budget Work Session - Phil Niedzielski-Eichner, Budget Liaison**

Transfer from the County; Federal Government stimulus money.

#### **May 4 and 6, 2009 - Budget Community Dialogues - Brad Center, Linkage Committee Chairman**

Budget community dialogues, May 4 and May 6, 2009.

#### **May 7, 2009 - Forum - Dan Storck, Chairman**

Charges for School Board advisory committees for 2009-2010; use of professional development funds by school board members.

### 9. **BOARD MATTERS**

The Board members made brief comments.

### 10. **ADJOURNMENT**

The meeting was adjourned at 11:55 p.m.

### 11. **DEBRIEF**

The Board debriefed tonight's meeting.