

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 20

May 21, 2009

1. **CLOSED MEETING**

Mr. Gibson moved, and Mrs. Strauss seconded, that the Board go into closed meeting 1) to discuss and consider disciplinary matters concerning students pursuant to VA Code Section 2.2-3711(A)(2); 2) to discuss and consider the salary reduction, reassignment, and layoff of particular employees through a budget-related reduction-in-force pursuant to VA Code Section 2.2-3711(A)(1); 3) to discuss and consider the performance of a specific public officer, pursuant to VA Code Section 2.2-3711(A)(1); and 4) to protect the privacy of individuals in personal matters not related to public business pursuant to VA Code Section 2.2-3711(A)(4). 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.

Chairman Storck convened the closed meeting at 6:20 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)
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; arr. 6:21 p.m.)	Jane K. Strauss (Dansville)
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 Linda Sabo; and certain other members of staff. Student Representative to the School Board Arvin Ahmadi was present (arr. 7:50 p.m.; dep. 11:30 p.m.).

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Chairman Storck thanked the members of the Woodburn Elementary School strolling strings under the direction of Amber Shah, for their performance of the national anthem.

2.02 Certification of Closed Meeting Compliance (Exhibit A)

Mr. Gibson moved, and Mrs. Strauss 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 21, 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 unanimously**.

2.03 Announcements

There were no announcements.

2.04 Recognition of 2009 School Resource Officer (Exhibit B)

Chairman Storck recognized members of the Fairfax County Police Department who were in attendance and Board of Supervisors Chairman Sharon Bulova and Vice Chairman Penny Gross. Chairman Storck presented a certificate to the nominees and a plaque to the 2009 Distinguished School Resource Officer, PFC Fred Chambers, from Carson Middle School; and photographs were taken with the Board members, Chairman Bulova, and Vice Chairman Gross.

2.05 Resolution Naming Room 403 at Robinson Secondary School (Exhibit C)

Mrs. Wilson moved, and Mr. Niedzielski-Eichner seconded, to adopt the resolution naming Room 403 at Robinson Secondary School "The Denton D. Stokes Music Room." The motion **passed unanimously**.

Mrs. Wilson invited Mr. Stokes and his family and friends to join the Board for presentation of the resolution and photographs.

2.06 Recognition of National Adult and Continuing Education Week (Exhibit D)

Mr. Raney recognized National Adult and Continuing Education Week, May 25-29, 2009, and invited staff members, ACE students, and members of the Adult

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and Community Education Advisory Committee to come forward for a photograph with the Board.

3. PRESENTATIONS TO SCHOOL BOARD

3.01 **Presentation by the Student Advisory Council – “Achieving Potential”(Exhibit E)**

Chairman Storck asked Mr. Ahmadi to facilitate this portion of the meeting and the members of the Student Advisory Council (SAC) who were presenting tonight introduced themselves—Sumit Malik (Thomas Jefferson High School for Science and Technology), Erika Dyer (Annandale High School), Carolyn Gironde (West Springfield High School), and James Armstrong (South Lakes High School); and SAC sponsor Alice Reilly was also recognized. The students reviewed a PowerPoint presentation on “Achieving Potential” which had been the SAC’s project for 2008-2009 school year, and explained the SAC’s five recommendations: emphasize character development, facilitate transitions, promote collective learning, expand and diversify instruction, and look ahead.

Comments included: appreciation expressed for a comprehensive report that highlighted the students’ perspective; question how to increase participation in academy courses, and the response that lack of transportation was not an obstacle to upper classmen; request for Dr. Dale to consider focusing the SAC’s project for next year on developing a countywide ethics statement for students; suggestion that the school system be more involved with an Ethics Day, which some schools currently coordinated with their business partners; suggestion that the SAC follow up with the Board on next steps related to their recommendations.

3.02 **Citizen Participation**

There were no speakers.

3.03 **Student Representative Matters**

There were no student representative matters.

4. ACTION ITEMS

4.01 **Student Responsibilities and Rights - Approve Regulation 2601.23P, Student Responsibilities and Rights (SS; presented as new business 05/07/09; work session held 04/20/09; Exhibit F)**

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Mr. Gibson moved, and Mrs. Strauss seconded, to approve Regulation 2601.23P, Student Responsibilities and Rights. The motion passed unanimously.

- 4.02 FY 2010 Approved Budget** - Adopt the FY 2010 Approved Budget, to include the Superintendent's proposed revenue and expenditure adjustments, as detailed in the agenda item, and with the following revisions: (1) restoring funding of \$0.6 million for Advanced Academic Centers and Thomas Jefferson High School for Science and Technology student transportation and reducing the amount maintained in the energy volatility reserve by \$0.6 million; and (2) increasing high school annual parking fees from \$150 to \$200 and allocating the additional projected revenue of \$0.3 million to the staffing reserve (FS; presented as new business 05/07/09; work sessions held 05/11/09 and 05/14/09; public hearing held 05/12/09; Exhibit G)

Mr. Niedzielski-Eichner moved, and Mr. Moon seconded, to adopt the FY 2010 Approved Budget, to include the Superintendent's proposed revenue and expenditure adjustments, as detailed in the agenda item, and with the following revisions: (1) restoring funding of \$0.6 million for Advanced Academic Centers and Thomas Jefferson High School for Science and Technology student transportation and reducing the amount maintained in the energy volatility reserve by \$0.6 million; and (2) increasing high school annual parking fees from \$150 to \$200 and allocating the additional projected revenue of \$0.3 million to the staffing reserve.

Mr. Niedzielski-Eichner reviewed the budget process the Board had been involved in over the past several months that culminated in tonight's adoption of the FY 2010 Approved Budget; he explained that the Board had conducted an extensive review of all programs and operations, which resulted in over \$170 million in budget reductions and cost avoidances and a decrease of nearly 800 positions; the current economic situation in the County and across the nation made these budget decisions even more difficult; the Board of Supervisors' transfer to FCPS had been \$56.8 million less than requested, and final General Assembly actions had resulted in a reduction of \$2.1 million in sales tax revenue offset by an increase in basic aid; the Federal American Recovery and Reinvestment Act of 2009 funding was approximately \$49 million, including \$23.7 million from the State Fiscal Stabilization Fund, \$18.9 million in IDEA funds, and \$6.7 million in Title I funds; as a result of these Federal stimulus funds, some budget reductions were restored and some were averted. Mr. Niedzielski-Eichner requested that staff members briefly present information on three issues of particular interest: a.) increased staffing for the Transportation Office, b.) employee compensation, and c.) projected savings from bell schedule changes. a.) Chief Operating Officer Dean Tistadt explained that the proposed increased staffing for the Transportation Office would provide a centralized and more efficient bus routing system by successfully implementing available technologies, present significant savings for contract services transportation with the purchase

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of 20 minivans to transport students rather than using taxis, and offer the opportunity to integrate special education and general education transportation for increased efficiency. b.) Assistant Superintendent for Human Resources Kevin North explained that the issue of how to provide a step increase for employees was a very complex one; that employee organizations had offered three proposals: (1) offer a step and reduce contracts by four days, which would negatively impact employees who were paid biweekly and who were on the longevity step; (2) delay the implementation of the step, which would create an unfunded commitment for FY 2011 budget; and (3) offer a half-step and reduce contracts by two days at a cost of \$7.25 million, or reduce by three days, which would result in more than 90% of teachers experiencing a salary decrease. The Superintendent was recommending a fourth proposal, which would create a step "zero" on the teacher and instructional assistant (IA) scale for entry-level teachers; this proposal would not penalize employees or treat employee groups differently, although the resulting frozen salary scale would make FCPS less competitive in the region. c.) Mr. Tistadt explained that bus schedules were shifted slightly every year, but due to this year's budget situation, combined with the centralized routing initiative and the efforts to decouple morning and afternoon bus runs, his staff had proposed schedule changes to achieve efficiencies that had resulted in a projected savings of \$4.7 million; the Board's main motion now directed restoring funding for advanced academic centers and TJHSST, which would have to be factored in, and there was no flexibility in changing start times at the base school. After some discussion about a community group's recent proposal to conduct a start time pilot with ten schools, Dr. Dale was asked to review only the group's model and methodology used, not any specific proposal.

Ms. Hone moved, and Mrs. Kory seconded, to amend the main motion by restoring funding of \$0.4 million for transportation of all academy students and reducing the amount maintained in the energy volatility reserve by \$0.4 million.

Discussion and comments included: the intent of the amendment was to provide equal access to all programs for all students; concern about how to increase access and participation in academy courses; concern about depleting the energy volatility reserve fund when fuel prices had increased significantly over the past few weeks; the Superintendent's budget had recommended that transportation to the academies would be provided for a minimum of five students on a bus, and this amendment, if approved, would eliminate that minimum.

The motion to amend the main motion by restoring funding of \$0.4 million for transportation of all academy students and reducing the amount maintained in the energy volatility reserve by \$0.4 million **passed 7-5**: Ms. Bradsher, Mr. Center, Ms. Hone, Mrs. Kory, Mr. Raney, Mr. Storck, and Mrs. Strauss voted "aye"; Mr. Gibson, Mr. Moon, Mr. Niedzielski-Eichner, Mrs. Smith, and Mrs. Wilson voted "nay."

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Mr. Niedzielski-Eichner moved, and Mr. Center seconded, to amend the main motion by directing that the first Advanced Placement (AP) test taken by a student each year be funded by FCPS, instituting a \$25 fee for the second AP test, and instituting a fee of \$50 for each additional test beyond the second test in a single year, with the exception of students who are eligible for free and reduced-price meals, and allocating the projected additional revenue of \$0.5 million to the staffing reserve.

Comments included: any additional funds allocated to the staffing reserve would be helpful because of the proposed increase in class size; concern about the financial burden that would be placed on families, the possible result of decreased participation in these AP courses, and the lack of information provided to the community about the potential for raising the fees for the 2009-2010 school year.

The motion to amend the main motion by directing that the first Advanced Placement (AP) test taken by a student each year be funded by FCPS, instituting a \$25 fee for the second AP test, and instituting a fee of \$50 for each additional test beyond the second test in a single year, with the exception of students who are eligible for free and reduced-price meals, and allocating the projected additional revenue of \$0.5 million to the staffing reserve failed 5-7: Mr. Center, Mr. Moon, Mr. Niedzielski-Eichner, Mr. Raney, and Mrs. Smith voted "aye"; Ms. Bradsher, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "nay."

Discussion and comments on the main motion included: the Board had started working on this year's budget in September 2008, and had spent many hours at community meetings, work sessions, public hearings, and other meetings discussing and reviewing options; next year's budget would be just as challenging and difficult, and it was important for the community to understand those challenges; concerns expressed about not being able to offer a cost of living or step increase to employees this year because of the budget situation; there was a new business item being introduced tonight that recommended giving employees two early release days in the next school year in recognition of their dedication; confirmation that the College Partnership Program would continue under the redesigned College Success Program and would offer the same programs for students; request that a program status report on the college success redesign be presented to the Board in approximately six months; appreciation expressed for Mr. Niedzielski-Eichner's hard work in his role as the budget liaison over the past several months.

The amended motion to adopt the FY 2010 Approved Budget, to include the Superintendent's proposed revenue and expenditure adjustments, as detailed in the agenda item, and with the following revisions: (1) restoring funding of \$0.6 million for Advanced Academic Centers and Thomas Jefferson High School for

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Science and Technology student transportation and reducing the amount maintained in the energy volatility reserve by \$0.6 million; (2) increasing high school annual parking fees from \$150 to \$200 and allocating the additional projected revenue of \$0.3 million to the staffing reserve; and 3) restoring funding of \$0.4 million for transportation of all academy students and reducing the amount maintained in the energy volatility reserve by \$0.4 million **passed unanimously.**

Mr. Niedzielski-Eichner moved, and Mrs. Wilson seconded, that the Division Superintendent be authorized to take whatever actions are necessary to implement the decisions made by the School Board relative to its FY 2010 Approved Budget; and that all policies and regulations inconsistent with the budgetary motions passed tonight are hereby modified and amended accordingly; and the Division Superintendent is to be granted authority to make all necessary minor changes and technical modifications to the budget and to salary scales to comply with the intent of the School Board with regard to its budget actions. The motion **passed unanimously.**

4.03 Confirmation of Action Taken in Closed Meeting

Mrs. Strauss moved, and Mrs. Smith seconded, to expel a student for possession and distribution of a controlled substance at school. The motion **passed 10-0:** Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory and Mr. Niedzielski-Eichner were not present for the vote.

Mr. Raney moved, and Mrs. Wilson seconded, to expel a student for possession and distribution of illegal drugs at school. The motion **passed 10-0:** Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory and Mr. Niedzielski-Eichner were not present for the vote.

Mr. Gibson moved, and Mrs. Smith seconded, to deny the suspension appeals of three students who violated school rules, and to confirm in each case, the disciplinary decision of the Division Superintendent. The motion **passed 10-0:** Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mrs. Kory and Mr. Niedzielski-Eichner were not present for the vote.

Having served as chairman of a three-member committee, along with Ms. Hone and Mr. Storck, Mrs. Strauss moved, and Ms. Hone seconded, to expel two students—one for possession, distribution, and being under the influence of illegal drugs at school, and one for possession and distribution of illegal drugs at school. The motion **passed unanimously.**

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Having served as chairman of a three-member committee, along with Mr. Moon and Mr. Raney, Mr. Center moved, and Mr. Moon seconded, to expel a student for possession and distribution of illegal drugs at school. The motion **passed unanimously.**

Having served as chairman of a three-member committee, along with Ms. Hone and Mrs. Strauss, Mrs. Smith moved, and Mrs. Strauss seconded, to expel four students—one for violation of the conditions of a probationary school assignment; one for participation in a mob assault on another student; one for possession of illegal drugs at school; and one for possession and distribution of illegal drugs at school. The motion **passed unanimously.**

Having served as chairman of a three-member committee, along with Ms. Hone and Mrs. Strauss, Mrs. Smith moved, and Mrs. Strauss seconded, to expel a student for promoting gang-related activities at school. The motion **passed 2-1:** Mrs. Smith and Mrs. Strauss voted “aye”; Ms. Hone voted “nay.”

Mr. Raney moved, and Mrs. Wilson 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 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.

5. CONSENT AGENDA

- 5.01 **Minutes** - Approve the minutes of May 7, 2009, regular School Board meeting (SB; Exhibit H)
- 5.02 **Monthly Separation Report** - Confirm the separations for the period beginning April 1, 2009, and ending April 30, 2009, as detailed in the agenda item (HR; Exhibit I)
- 5.03 **Waiver of Verified Credits (SOL)** - Approve requests for waiver of verified credit requirements for six students identified to School Board members (IS; presented as new business 05/07/09; Exhibit J)
- 5.04 **FLECAC Recommendations** - Approve instructional objectives for grade 2, grade 3, and modified curriculum for Emotional and Social Health; and grade 8 and modified curriculum Human Growth and Development; and recommended media for grade 5: If It Happens to You: Dealing with Abuse; for grade 9: Life's Greatest Miracle; and for grade 10 Breast Self Awareness Interactive Tool, and recommended print material for grade 3, Enemy Pie (book), as reviewed and recommended by the Family Life Education Curriculum Advisory Committee (IS; work session held 04/20/09; presented as new business 04/23/09; Exhibit K)
- 5.05 **Award of Contract** - Award the contract for the relocation of 10 classroom modular buildings at Riverside Elementary School to Hitt Contracting, Inc., in the amount of \$785,000, and authorize the Division Superintendent, or his designee,

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to execute the contract on behalf of the School Board (FTS; presented as new business 05/07/09; Exhibit L)

- 5.06 Award of Contract** - Award the contract for the replacement of the automatic temperature control system at Louise Archer Elementary School to Engineered Services, Inc., in the amount of \$260,000, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; presented as new business 05/07/09; Exhibit M)
- 5.07 Award of Contract** - 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; presented as new business 05/07/09; Exhibit N)
- 5.08 School Board Policy** - Adopt Policy 3510.4, Adult Education–Adult Literacy, Adult High School Completion, and Community Education (IS; presented as new business 05/07/09; Exhibit O)
- 5.09 Additional Appointments** - Appoint individuals to serve on committees as detailed in the agenda item (SB; Exhibit P)

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

6. NEW BUSINESS

- 6.01 Proposed Program/Attendance Area Adjustment** - Recommendation to 1) approve adjustments to school attendance areas, effective for the 2009-10 school year, related to the Fort Belvoir Elementary School as shown in Appendix A, and pursuant to Virginia Code Section 22.1-79(4), and Policy 8130.5, Local School Boundaries-Program Assignments and School Closing and 2) approve adjustments to school attendance areas, effective for year 2010-11 school year, related to Annandale High School and Poe Middle School as shown in Appendix B and pursuant to Virginia Code Section 22.1-79(4), and Policy 8130.5, Local School Boundaries-Program Assignments and School Closing (FTS; public hearing scheduled 06/03/09; work session scheduled 06/08/09; action scheduled 06/25/09; Exhibit Q)

Director of Facilities Planning Denise James briefly reviewed a PowerPoint presentation of the proposed attendance area adjustments. Chairman Storck announced that because of the lateness of the hour, Ms. James would present the PowerPoint at another Board meeting; and Board members would be able to ask questions at the June 8 work session.

[Clerk's note: The Chairman subsequently decided that the PowerPoint would be presented prior to the June 3, 2009, public hearing.]

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- 6.02 Citizens for 2009 School Bond Committee** - Recommendation to appoint individuals to serve on the Citizens for 2009 School Bond Committee, as listed in the agenda item (SB; action scheduled 06/11/09; Exhibit R)

Mrs. Wilson reminded Board members to send the names of their appointees to the School Board Office.

- 6.03 Award of Contract** – Recommendation to award the contract for the Edison High School Renovation/Addition project 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 6/11/09; Exhibit S)

There was no discussion of this item.

- 6.04 Condemnation of Property** – Recommendation to (i) determine that the Project (hereinafter defined) is a necessary public use and authorize its completion, (ii) authorize the acquisition of the Property (hereinafter defined) by condemnation or other means to allow construction of the Project and (iii) authorize the Chief Operating Officer to execute on behalf of the School Board all necessary documents to accomplish such acquisition, including, without limitation, a Certificate of Take, all as approved by School Board counsel (FTS; public hearing scheduled 6/3/09; action scheduled 6/11/09; Exhibit T)

There was no discussion of this item.

- 6.05 Early Release Days (Revision to 209-2010 School Calendar)** – Recommendation to approve two early release days for all students and for FCPS employees, where program operations permit, on December 23, 2009, and May 28, 2010 (SB; action scheduled 6/11/09; Exhibit U)

There was no discussion of this item.

7. SUPERINTENDENT MATTERS

The Superintendent did not present any informational items.

8. REPORTS (Exhibit V)

May 11, 2009 – Work Session - Liz Bradsher and Stu Gibson, Meeting Managers

Operational Expectations - Instructional Program and Treatment of Students Monitoring Report

Governance - Revised Instructional Program and Treatment of Students Operational Expectations and Indicator; revised indicators and new reporting date of June for the Budget and Financial Management Operational Expectations monitoring report;

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additional operational expectation (#9), the revised indicators, and the new reporting date of November for the Community Relations Operational Expectations monitoring report

Linkage - Student Advisory Council and Student Government Association Joint Project on Environmental Stewardship

May 13, 2009 - Comprehensive Planning Development Committee - Liz Bradsher, Chairman

Review of the Comprehensive Planning Process; development of a Mission Statement; and future meeting schedules including time and date of meetings

May 18, 2009 - Governance - Kathy Smith, Chairman

Revised reasonable interpretation and indicators for Professional Learning and Training

May 20, 2009 - Smart Services Task Force - Dan Storck

Building Services, Food Service and Vending, Warehouse Functions, Transportation, School-Age Child Care

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Audit - Jim Raney, Chairman

Proposed coverage for FY 2010 annual audit plan (revised); new method for posting and disseminating reports; Development of Proposed FY 2010 Audit Plan

Forum - Dan Storck, Chairman

Advisory Committee charges for 2009-2010; use of professional development funds for Board members; use of Twitter and other social networking opportunities; role of Cluster Assistant Superintendents

9. BOARD MATTERS

The Board Members made brief comments.

10. ADJOURNMENT

The meeting was adjourned at 12:40 a.m.

11. DEBRIEF

The Board debriefed tonight's meeting.