

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 21

June 11, 2009

1. **CLOSED MEETING**

Mr. Center moved, and Ms. Bradsher seconded, that the Board go into closed meeting to 1) discuss and consider disciplinary matters concerning students pursuant to Virginia Code Section 2.2-3711(A)(2); and 2) to discuss and consider the performance of a specific public officer, pursuant to Virginia Code Section 2.2-3711(A)(1). The motion passed 8-0: Ms. Bradsher, Mr. Center, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Ms. Hone, Mrs. Kory, and Mr. Niedzielski-Eichner were not present for the vote; Mr. Gibson was absent.

Chairman Storck convened the closed meeting at 5:37 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 meeting at 7:10 p.m. with the following members present:

Elizabeth T. Bradsher (Springfield)	Phillip A. Niedzielski-Eichner (Providence; arr. 6:55)
Brad Center (Lee)	James L. Raney (At Large)
Stuart D. Gibson (Hunter Mill; ABSENT)	Kathy L. Smith (Sully)
Martina A. Hone (At Large; arr. 5:50; dep. 9:50)	Daniel G. Storck (Mt. Vernon)
Kaye Kory (Mason; arr. 6:15; dep. 10:04)	Jane K. Strauss (Dranesville)
Ilryong Moon (At Large; dep. 6:20; arr. 8:00)	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 and Deputy Clerk of the Board Linda Sabo; and certain other members of staff. Student Representative to the School Board Arvin Ahmadi was present.

Chairman Storck thanked the members of the Herndon High School Guitar Ensemble under the direction of Chris Cunningham for their performance of the national anthem.

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2.02 Certification of Closed Meeting Compliance (Exhibit A)

Mr. Center moved, and Mrs. Wilson 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 June 11, 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 9-0-1: Ms. Bradsher, Mr. Center, Ms. Hone, Mrs. Kory, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Niedzielski-Eichner abstained; Mr. Moon was not present for the vote; and Mr. Gibson was absent.

2.03 Announcements

Chairman Storck announced that Mr. Gibson was out of town on a business trip and that Mr. Moon had left to attend the Davis Center graduation and would return to the meeting.

[Clerk's note: During the Board Matters portion of the meeting, Mr. Niedzielski-Eichner, Providence District representative, announced his resignation from the School Board effective midnight, June 18, 2009. He said that his resignation was driven by his acceptance in April of the position of deputy assistant administrator for strategy, resources, and integration for defense programs in the National Nuclear Security Administration, Department of Energy, and the demands of his professional work had prompted him to make a reluctant choice between two rewarding opportunities to serve; he had been proud to serve as a School Board member for the past five and a half years.]

2.04 Laura Ashley Piper Scholarship (Exhibit B)

Chairman Storck thanked the Apple Federal Credit Union's (AFCU) Education Foundation and its Executive Director, Mr. Mike Engley, for financing both the Laura Ashley Piper Scholarship (\$1,000) and the School Board Character Award (\$500) and he invited Mr. Engley to make a few remarks. Mr. Engley said that AFCU was proud to support these two awards that were given to outstanding students in recognition of their exceptional achievements.

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Mr. Center explained the history of the Piper Scholarship, and then read the resolution naming Shelby Moran, from Edison High School, as the 2009 Laura Ashley Piper Scholarship recipient.

Mr. Center moved, and Mrs. Kory seconded, to adopt the resolution naming Shelby Moran the 2009 Laura Ashley Piper Scholarship recipient. The motion passed 10-0: Ms. Bradsher, Mr. Center, Ms. Hone, 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; and Mr. Gibson was absent.

Mr. Center presented Ms. Moran with a check for \$1,000 and a framed copy of the resolution, and invited Shelby's family and friends to join the Board for photographs.

2.05 School Board Character Award (Exhibit C)

Student Representative Arvin Ahmadi explained the history of the School Board Character Award, which had been created in 2002 by Student Representative Chris Giovarelli, and Mr. Niedzielski-Eichner then recognized Andrew Tener, a senior at Thomas Jefferson High School for Science and Technology, as the winner of the 2009 School Board Character Award. Mr. Niedzielski-Eichner presented Andrew with a plaque and a \$500 check, and invited Andrew's family and friends to join the Board for photographs.

2.06 Resolution Honoring Brian Binggeli (Exhibit D)

Mr. Storck read a resolution honoring Brian Binggeli, Cluster IV Assistant Superintendent, who had been selected as the new superintendent for Brevard County Public Schools, Florida.

Mr. Storck moved, and Ms. Hone seconded, to adopt the resolution honoring Brian Binggeli. The motion passed 10-0: Ms. Bradsher, Mr. Center, Ms. Hone, 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; and Mr. Gibson was absent.

Mr. Storck presented Mr. Binggeli with a gift from the Board and a framed copy of the resolution, and photographs were taken with the Board, Mr. Binggeli, his wife and his daughter. Mr. Binggeli thanked the Board, Dr. Dale, and the Leadership Team for their support during his tenure with Fairfax County Public Schools.

2.07 Resolution Honoring Arvin Ahmadi (Exhibit E)

Mrs. Smith read a resolution honoring Arvin Ahmadi, Student Representative to the School Board for the 2008-2009 school year.

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Mrs. Smith moved, and Mr. Niedzielski-Eichner seconded, to adopt the resolution honoring Arvin Ahmadi. The motion passed 10-0: Ms. Bradsher, Mr. Center, Ms. Hone, 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; and Mr. Gibson was absent.

Mrs. Smith presented Mr. Ahmadi with a plaque and a framed copy of the resolution and photographs were taken with the Board and members of Mr. Ahmadi's family.

Mr. Ahmadi thanked the Board Members for their guidance to him as the student representative and recommended that the Board consider a two-year term for the student representative, voting privileges, and a presence on the internet.

Board Members thanked Mr. Ahmadi for his service to the Board and wished him well in his future endeavors.

2.08 Resolution Naming the Multipurpose Room at Plum Center for Lifelong Learning (Exhibit F)

Mrs. Kory read the resolution naming the multipurpose room at Plum Center for Lifelong Learning "The Cuong Nguyen Multipurpose Room."

Mrs. Kory moved, and Mr. Moon seconded, to adopt the resolution naming the multipurpose room at Plum Center for Lifelong Learning, "The Cuong Nguyen Multipurpose Room." 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 absent.

Photographs were taken with the Board and family and friends of the late Mr. Nguyen.

Mrs. Kory then introduced Delegate Kenneth Plum, who read a resolution that had been passed by the House of Delegates and the Senate honoring Mr. Nguyen. Delegate Plum presented the resolution to Mrs. Nguyen and photographs were taken.

3. PRESENTATIONS TO SCHOOL BOARD

3.01 Citizen Participation (Exhibit G)

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

3.02 Student Representative Matters

There were no student matters.

3.03 Student Learning Plans Update (Exhibit H)

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Dr. Dale introduced Dr. Alice Farling, who provided a status report on Student Learning Plans (SLPs), a process to prepare students for graduation and beyond. A pilot program had been established at Edison, Madison, and Marshall High Schools, and Mountain View Alternative High School, to enlist help from students and staff members to develop the framework of the student learning plan.

Comments and questions included: 1,300 students in the four pilot schools had participated, and this process had taught students how to be their own advocates; question whether learning disabled students were included in the pilot and whether it had been supplemented with the student's Individualized Learning Plan (IEP); affirmative response; that SLPs might not be necessary for all students but should be available for those students in need of such a program; question whether SLPs were required by the Virginia Department of Education; negative response; request for further information on inventory of interests and Strengthsfinders; concern expressed for cost and expansion of the program in such a difficult budget environment.

4. ACTION ITEMS

- 4.01 Early Release Days (Revisions to 2009-2010 Calendar)** - Approve two early release days for all students and for FCPS employees, where program operations permit, on December 23, 2009, and May 28, 2010 (Smith; presented as new business 5/21/09; Exhibit I)

Mrs. Smith moved, and Mrs. Kory seconded, 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.

Comments included: due to the tight budget this year the Board had been unable to provide cost of living increases or step increases to employees and that this would serve as a token of appreciation; appreciation expressed to Mrs. Smith for her creative idea to provide these half days to the students and the staff.

The motion 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 **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 absent.

- 4.02 2009 School Bond Committee** - Appoint individuals to serve on the Citizens for 2009 School Bond Committee, as listed in the agenda item (SB; presented as new business 05/21/09; Exhibit J)

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Mrs. Wilson moved, and Mr. Niedzielski-Eichner seconded, to appoint individuals to serve on the Citizens for 2009 School Bond Committee, as listed in the agenda item.

Ms. Bradsher appointed Monique Craft and Mr. Niedzielski-Eichner appointed Betsy Scotto-Lavino.

The motion to appoint individuals to serve on the Citizens for 2009 School Bond Committee, as listed in the agenda item and as amended **passed 10-0**: Ms. Bradsher, Mr. Center, 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; and Mr. Gibson was absent.

4.03 Confirmation of Action Taken in Closed Meeting

Mrs. Strauss moved, and Mr. Center seconded, to expel a student for using a weapon and assaulting another student at school. The motion **passed 10-0**:

Ms. Bradsher, Mr. Center, 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; and Mr. Gibson was absent.

Mr. Center moved, and Mrs. Smith seconded, to expel a student for possession and distribution of illegal drugs at school. The motion **passed 10-0**: Ms. Bradsher, Mr. Center, 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; and Mr. Gibson was absent.

Ms. Brasher moved, and Mrs. Wilson seconded, to expel a student for possession of illegal drugs at school. The motion **passed 10-0**: Ms. Bradsher, Mr. Center, 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; and Mr. Gibson was absent.

Mrs. Wilson moved, and Mr. Center seconded, to expel a student for violation of the probationary conditions of a school assignment. The motion **passed 10-0**: Ms. Bradsher, Mr. Center, 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; and Mr. Gibson was absent.

Having served as chairman of a three-member committee, along with Mr. Moon and Mr. Niedzielski-Eichner, Mr. Storck moved, and Mr. Moon seconded, to expel five students—one for possession and distribution of illegal drugs at school; one for possession with intent to distribute illegal drugs at school; one for indecent exposure at school; one for sexual assault of another student as well as possession of controlled substances and drug paraphernalia at school; and one for conviction of certain crimes in the community. The motion **passed unanimously**.

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Having served as chairman of a three-member committee, along with Mr. Center and Mr. Moon, Mr. Raney moved, and Mr. Center seconded, to expel six students—one for numerous acts of misconduct at school; one for participation in a mob assault; one for bullying, harassment, and sexual assault of another student at school; one for possession and for facilitating the distribution of illegal drugs at school; one for possession of weapons and a controlled substance at school and for distribution of a non-prescription medication at school; and one for possession of illegal drugs and non-prescription medication at school and for possession and distribution of a controlled substance at school. The motion passed unanimously.

5. CONSENT AGENDA

- 5.01 **Minutes** - Approve the minutes of May 11, 2009, Operational Expectations work session, May 20, 2009, special meeting, and May 21, 2009, regular School Board meeting (SB; Exhibit K)
- 5.02 **Award of Contract** - Award the contract for the renovation and addition at Edison High School to Dustin Construction Inc., in the amount of \$48,501,000, and authorize the Division Superintendent, or his designee, to execute the contract on behalf of the School Board (FTS; presented as new business 05/21/09; Exhibit L)
- 5.03 **Condemnation of Property** - (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; presented as new business 05/21/09; public hearing held 06/03/09; Exhibit M)
- 5.04 **Additional Appointments** - Appoint individuals to serve on committees as detailed in the agenda item (SB; Exhibit N)

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: After the consent agenda was adopted, Chairman Storck stated that the Lorton Center property (agenda item 5.03) involved a small sliver of property, that all the owners were deceased, and that the staff had been unable to locate any heirs.]

6. NEW BUSINESS

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- 6.01 Award of Contract** - Recommendation to award the contract for the addition at Hybla Valley 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 6/25/09; Exhibit O)

There was no discussion of this item.

- 6.02 Amendment 15 to the Educational Employees of Fairfax County Defined Benefit Plan (ERFC)** - Recommendation to approve Amendment 15 to the ERFC Defined Benefit Plan, as detailed in the agenda item (ERFC; action scheduled 6/25/09; Exhibit P)

There was no discussion of this item.

- 6.03 Reappointment of Individual Trustee to ERFC** – Recommendation to approve the reappointment of Nitin Chittal to the ERFC Board of Trustees for a one-year term beginning July 1, 2009 (ERFC; action scheduled 6/25/09; Exhibit Q)

There was no discussion of this item.

- 6.04 Appointments to the Educational Employees' Supplementary Retirement System of Fairfax County (ERFC) Board of Trustees** – Recommendation to reappoint Richard Moniuszko and Susan Quinn to the Educational Employees' Supplementary Retirement System of Fairfax County (ERFC) Board of Trustees for a one-year term; and appoint Kevin North to the ERFC Board of Trustees for a one-year term, all three terms beginning July 1, 2009, and ending June 30, 2010 (HR; action scheduled 06/25/09; Exhibit R)

There was no discussion of this item.

- 6.05 Leasing of Administrative Office Space** – Recommendation to authorize the Division Superintendent, or his designee, to execute one or more commercial lease agreements to house FCPS staff and administrative office programs, and to execute the agreement(s) on behalf of the School Board (FTS; action scheduled 6/25/09; Exhibit S)

Comments and requests included: since the Board of Supervisors had not approved funding to acquire the Gatehouse II office building last fall, the school system needed to look at other options for administrative office space; staff members would continue to operate out of Sprague, Wilton Woods, and Leis Centers because of the current budget situation; request for periodic updates on the County's plans for leasing of space; request for additional information on current industry space standards to be provided prior to the vote scheduled for June 25, 2009.

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- 6.06 Award of Contract** - Recommendation to award the contract for school bus and non-bus vehicle financing 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 6/25/09; Exhibit T)

Chief Operating Officer Dean Tistadt explained that the school system had ordered 50 replacement buses and 20 minivans with full expectation that the County government's master lease agreement would be in place; the County had been unsuccessful in two solicitations and would be working on a third solicitation, but meanwhile the school system had begun to receive the new vehicles and needed a financing plan in place.

7. SUPERINTENDENT MATTERS

The Superintendent presented informational items.

8. REPORTS (Exhibit U)

May 27, 2009 - Instruction Work Session - Dan Storck, Chairman

Adult and Community Education Advisory Committee (James Raney, Liaison), Career and Technical Education Advisory Committee (Dan Storck, Liaison), and Foundation for Applied Technical Education (FATE) Annual Reports

May 28, 2009 - Human Resources and Special Services - Dan Storck, Chairman

Human Relations Advisory Committee (Janie Strauss, Liaison), Early Head Start/Family and Early Childhood Education Program (EHS/FECEP) and Title I (Kaye Kory, Liaison), and School Health Advisory Committee (Liz Bradsher, Liaison) Annual Reports

June 1, 2009 - Instruction and Special Services - Dan Storck, Chairman

Minority Student Achievement Oversight Advisory Committee (Tina Hone, Liaison), Advisory Committee for Students With Disabilities (Tessie Wilson, Liaison), and Advanced Academic Programs Advisory Committee (Brad Center, Liaison) Annual Reports

June 8, 2009 - Kathy Smith and James Raney, Meeting Managers

Operational Expectations - Relationship with the Board Monitoring Report

Governance - Review of Relationship with the Board Operational Expectations; Draft Advisory Committee Charges for 2009-2010; Revised Reasonable Interpretations and Indicators for Professional Learning and Training

Instruction - Best Practices in Advanced Academics

Facilities - Boundaries (Annandale High School and Fort Belvoir Elementary School)

Human Resources - Educational Employees' Supplementary Retirement System of Fairfax County (ERFC) Annual Report to the School Board

June 11, 2009 - Linkage - Brad Center, Chairman

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2009 FCPS Family Survey; FCPS Web Page Redesign; 2009-2010 Community Dialogues; Fairfax County Council of PTAs Update; and Other Upcoming Initiatives

9. **BOARD MATTERS**

The Board Members made brief comments.

[Clerk's note: See agenda item 2.03 announcements for Mr. Niedzielski-Eichner's resignation.]

10. **ADJOURNMENT**

The meeting was adjourned at 11 p.m.

11. **DEBRIEF**

The Board debriefed tonight's meeting.