

MINUTES

Fairfax County School Board

Luther Jackson Middle School

Regular Meeting No. 2

July 23, 2009

1. **CLOSED MEETING**

Mr. Center moved, and Ms. Bradsher seconded, that the Board go into closed meeting to 1) discuss and consider the performance and employment of a specific public employee and a specific public officer pursuant to Section 2.2-3711(A)(1) of the Code of Virginia; 2) to discuss and consider disciplinary matters concerning students pursuant to Section 2.2-3711(A)(2) of the Code of Virginia; and 3) to consult with legal counsel regarding probable litigation pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. The motion passed 10-0: Ms. Bradsher, Mr. Center, Mr. Gibson, Mrs. Kory, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye"; Ms. Hone was not present for the vote; with the Providence district seat vacant.

Chairman Smith convened the closed meeting at 5:52 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 Smith convened the meeting at 7:15 p.m. with the following members present:

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

[Clerk's note: Effective June 18, 2009, Providence district member Phil Niedzielski-Eichner resigned; the seat will remain vacant until the November 2009 special election.]

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 Shawn Ghuman was present.

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

Mr. Gibson 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 July 23,

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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** with the Providence district seat vacant.

2.03 Announcements

Chairman Smith announced that Agenda Item No. 6.04, Superintendent's Contract, had been added to tonight's agenda; that it was standard accepted practice throughout the country for a school board to consider renewal before the current contract was in its last year; that State law required that all Superintendent contracts expired on June 30, and when a Superintendent's contract was being renegotiated, all School Board members shall be notified at least 30 days in advance of any meeting at which a vote was planned on the contract (unless the members agreed unanimously to take the vote without the 30 days notice); the Board would take action on Dr. Dale's contract at the September 10, 2009, regular Board meeting.

2.04 Resolution Honoring Phillip A. Niedzielski-Eichner (Exhibit B)

Mr. Moon read the resolution honoring former Providence District Board member Phillip A. Niedzielski-Eichner.

Mr. Moon moved, and Ms. Hone seconded, to adopt the resolution honoring Phillip A. Niedzielski-Eichner. The motion **passed unanimously** with the Providence district seat vacant.

Mr. Moon presented Mr. Niedzielski-Eichner a framed copy of the resolution and a plaque and photographs were taken with the Board and Mr. Niedzielski-Eichner and his family.

Mr. Niedzielski-Eichner thanked the Board and his family for their support during his five year tenure on the Board; each Board member thanked Mr. Niedzielski-Eichner for his dedication and passion while serving on the Board.

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2.05 Resolution Naming Brian Trompeter to the VSBA 2009 Media Honor Roll (Exhibit C)

Mr. Gibson read a resolution naming Brian Trompeter to the 2009 Statewide Media Honor Roll.

Mr. Gibson moved, and Mrs. Strauss seconded, to adopt the resolution naming Brian Trompeter to the VSBA 2009 Media Honor Roll. The motion **passed unanimously** with the Providence district seat vacant.

Photographs were taken with the Board and Mr. and Mrs. Trompeter.

3. PRESENTATIONS TO SCHOOL BOARD

3.01 Spotlight on Learning - Online Course Acceleration (Exhibit D)

3.02 Citizen Participation (Exhibit E)

Two speakers addressed the Board in the time reserved for public comment. Leonard Bumbuca addressed Agenda Item No. 4.01 FY 2009 Final Budget Review; and Megan McLaughlin addressed Agenda Item No. 6.04 Superintendent's Contract.

3.03 Student Representative Matters

The Student Representative presented informational items.

4. ACTION ITEMS

4.01 FY 2009 Final Budget Review - Approve the revenue and expenditure adjustments as detailed in the agenda item (FS; presented as new business 7/9/09; Exhibit F)

Mrs. Strauss moved, and Mr. Center seconded, to approve the revenue and expenditure adjustments as detailed in the agenda item.

Mrs. Wilson moved, and Mrs. Strauss seconded, to amend the main motion by reallocating \$1.0 million from the FY 2009 year-end balance to the FY 2010 staffing reserve to be used to mitigate staffing issues which may arise as a result of increased class size or other situations which may adversely affect classroom instruction; and further move that any portion of the \$1.0 million that is not used during FY 2010 be allocated to the FY 2011 beginning balance.

Comments and requests included: this amendment was intended to assist smaller schools who would have less ability to adjust to the increase in class size for FY 2010; funds would be placed in the staffing reserve account and

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distributed on an as-needed basis to schools after review by Human Resources staff in conjunction with their cluster assistant superintendent; request that the Board be informed of the schools that were allocated those positions.

The motion to amend the main motion by reallocating \$1.0 million from the FY 2009 year-end balance to the FY 2010 staffing reserve to be used to mitigate staffing issues which may arise as a result of increased class size or other situations which may adversely affect classroom instruction; and further move that any portion of the \$1.0 million that is not used during FY 2010 be allocated to the FY 2011 beginning balance **passed 9-2**: Ms. Bradsher, Mr. Center, Mr. Gibson, Ms. Hone, Mrs. Kory, Mr. Moon, Mrs. Smith, Mrs. Strauss, and Mrs. Wilson voted "aye"; Mr. Raney and Mr. Storck voted "nay"; with the Providence district seat vacant.

Comments included: preliminary projected budget deficit for FY 2011 was \$200 million; whatever funds were not spent during FY 2010 would have a positive impact on the FY 2011 budget; the Board needed to find additional revenue at the local, state, and national level to maintain the excellent school system.

Mrs. Strauss moved, and Mr. Center seconded, to approve revenue and expenditure adjustments as detailed in the agenda item and as amended reallocating \$1.0 million from the FY 2009 year-end balance to the FY 2010 staffing reserve to be used to mitigate staffing issues which may arise as a result of increased class size or other situations which may adversely affect classroom instruction; and further move that any portion of the \$1.0 million that is not used during FY 2010 be allocated to the FY 2011 beginning balance **passed unanimously** with the Providence district seat vacant.

4.02 Confirmation of Action Taken in Closed Meeting

Mr. Center moved, and Mrs. Strauss seconded, to expel a student for possession and use of a weapon to threaten another student on school property. The motion **passed 9-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye": Ms. Hone and Mrs. Kory were not present for the vote; with the Providence district seat vacant.

Ms. Bradsher moved, and Mrs. Wilson seconded, to expel a student for possession of illegal drugs at school. The motion **passed 9-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted "aye": Ms. Hone and Mrs. Kory were not present for the vote; with the Providence district seat vacant.

Mrs. Strauss moved, and Mr. Center seconded, to expel a student for conviction of certain crimes in the community. The motion **passed 9-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss,

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and Mrs. Wilson voted “aye”: Ms. Hone and Mrs. Kory were not present for the vote; with the Providence district seat vacant.

Mr. Gibson moved, and Mrs. Wilson seconded, to deny the school assignment appeals of three students who violated school rules, and to confirm, in each case, the disciplinary decision of the division superintendent. The motion **passed 9-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted “aye”: Ms. Hone and Mrs. Kory were not present for the vote; with the Providence district seat vacant.

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

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

Having served as chairman of a three-member committee, along with Mrs. Smith and Mrs. Strauss, Ms. Bradsher moved, and Mrs. Strauss seconded, to expel two students—one for possession of weapons and possession and being under the influence of illegal drugs at school and one for conviction of certain crimes in the community. The motion **passed unanimously**.

Mr. Storck moved, and Mr. Center seconded, that the teacher identified in closed meeting be dismissed from employment, and that the Superintendent recommend to the Superintendent of Public Instruction that the teacher’s license be revoked. The motion **passed 9-0**: Ms. Bradsher, Mr. Center, Mr. Gibson, Mr. Moon, Mr. Raney, Mrs. Smith, Mr. Storck, Mrs. Strauss, and Mrs. Wilson voted “aye”: Ms. Hone and Mrs. Kory were not present for the vote; with the Providence district seat vacant.

5. **CONSENT AGENDA**

- 5.01 **Minutes** - Approve the minutes of June 1, 2009, Accountability, Instruction, and Special Services work session and July 9, 2009, regular School Board meeting (SB; Exhibit G)
- 5.02 **Monthly Separation Report** - Confirm the separations for the period beginning June 1, 2009, and ending June 30, 2009, as detailed in the agenda item (HR; Exhibit H)
- 5.03 **Quarterly Separation Report** - Confirm the appointments and separations for the period beginning April 1, 2009, and ending June 30, 2009 (HR; Exhibit I)

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- 5.04 **FY 2010 Annual Audit Plan** - Approve the FY 2010 Audit Plan, as detailed in the agenda item (S; presented as new business 7/9/09; Exhibit J)
- 5.05 **School Board Liaisons and Committee Chairmanships** - Confirm liaisons and chairmanships, as listed in the agenda item (SB; presented as new business 7/9/09; Exhibit K)
- 5.06 **Appointment of VSBA Delegate and Alternate** - Appoint a delegate and an alternate to the Virginia School Boards Association 2009 Annual Conference (SB; presented as new business 7/9/09; Exhibit L)
- 5.07 **TJHSST as Governor's School** - Approve Fairfax County Public Schools (FCPS) continue in 2009-2010 to accept the Virginia Department of Education designation as the Governor's Regional School for Science and Technology in Northern Virginia (Cluster III; presented as new business 7/9/09; Exhibit M)
- 5.08 **2009-2010 Charges to School Board Advisory Committees** - Approve the charges for 2009-2010 for the following School Board Citizen Advisory Committees: Adult and Community Education, Students with Disabilities, Advanced Academic Programs, Career and Technical Education, District Advisory Council for the Fairfax County Compensatory Education Title I Program, FECEP/Head Start, Human Relations, Minority Student Achievement Oversight, and School Health, as detailed in the agenda item (SB; presented as new business 7/9/09; Exhibit N)
- 5.09 **Easement** - Grant the easement at Annandale High School and authorize the Division Superintendent, or his designee, to execute the deed on behalf of the School Board (FTS; presented as new business 7/09/09; Exhibit O)
- 5.10 **Easement** - Grant the easement at West Potomac High School and authorize the Division Superintendent, or his designee, to execute the deed on behalf of the School Board (FTS; presented as new business 7/09/09; Exhibit P)
- 5.11 **Additional Appointments** - Appoint individuals to serve on committees as detailed in the agenda item (SB; Exhibit Q)

Chairman Smith stated that, without objection, the eleven items on the consent agenda would be adopted. Hearing no objection, the consent agenda was adopted.

6. NEW BUSINESS

- 6.01 **Challenged Materials Interdepartmental Review Committee** - Recommendation that six School Board Members appoint individuals to serve a one-year term on the Challenged Materials Interdepartmental Review Committee, as listed in the agenda item (IS; action scheduled 9/10/09; Exhibit R)

There was no discussion of this item.

- 6.02 **Family Life Education Curriculum Advisory Committee Appointments** - Recommendation to appoint individuals to serve on the Family Life Education Curriculum Advisory Committee, as listed in the agenda item (IS; action scheduled 9/10/09; Exhibit S)

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There was no discussion of this item.

- 6.03 Revision to Student Achievement Goal 1. Academics** - Recommendation to add the following sentence to the preamble statement for Student Achievement Goal 1. Academics: "Academic progress in the core disciplines will be measured to ensure that all students, regardless of race, poverty, language or disability, will graduate with the knowledge and skills necessary for college and/or employment, effectively eliminating achievement gaps." (SB; action scheduled 9/10/09; Exhibit T)

There was no discussion of this item.

- 6.04 Superintendent's Contract** - Recommendation to renew the employment contract for Jack D. Dale, Division Superintendent, effective August 1, 2009 (SB: Exhibit U)

There was no discussion of this item.

7. **SUPERINTENDENT MATTERS**

The Superintendent presented informational items.

8. **REPORTS** (Exhibit V)

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

Further Review of School Baseline Data; Community Engagement and Linkage; Brief Overview of Feasibility Studies

July 13, 2009 - Ilryong Moon and Dan Storck, Meeting Managers

Operational Expectations - Facilities and Transportation Services Monitoring Report

Governance - Review of Facilities and Transportation Services Operational Expectations; Review of 2009-2010 Charges to School Board Advisory Committees

Instruction - Current FCPS Advanced Academic Programs

Budget - FY 2011 Fiscal Forecast

Facilities - Comprehensive Planning Process Proposal and Feasibility Studies

Linkage - Possible Topics for Community Dialogues in 2009-2010

July 17 and 18, 2009 - School Board retreat - Kathy Smith, Chairman

Student Achievement and Successful Strategies; Student Achievement: Impact on Board Governance; Maximizing Governance Effectiveness: Reflection and Aspiration; Self-Assessment: Board Roles and Responsibilities; and Building Strategic Governance Effectiveness

July 20, 2009 - Governance - Kathy Smith, Chairman

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Human Resources Reasonable Interpretation and Indicators; Self-Regulation; Budget Liaison Name Change; July 17-18, 2009, Retreat - Next Steps; 2009-2010 Planning Calendar

July 23, 2009 - Audit - Jim Raney, Chairman

Robinson Secondary School Procurement Card Audit (draft report); Status Report - FY 2009 Customer Satisfaction Survey; Procurement Card Risk Assessment (Revised 07-07-09); FY 2010 Audit Plan; FY 2010 Audit Committee Schedule

July 23, 2009 - Forum - Kathy Smith, Chairman

Reassessing the cap on TJHSST enrollment

9. BOARD MATTERS

The Board Members made brief comments.

10. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

11. DEBRIEF

The Board debriefed tonight's meeting.